Petition

Office - Supreme Court, U.S.
FILED
JAN 13
~~FEB 10~~ 1982
ALEXANDER L. STEVAS,
CLERK

81-1500

No. 81

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1981

IN RE: JANICE CHING YEE, PETITIONER PRO SE,

v.

HAROLD SHINTAKU, JUDGE, et al[++]; RESPONDENTS,

And, by JOINDER, as CONTRIBUTORY:

Betty Vitousek, Judge, et al[+]; Dr. Kwong Yen Lum, Psychiatrist; John Parks, Attorney; Norito Kawakami, Retired Judge, et al[++]; Edward Y.C.Chun, et al, Attorneys; Robert G. Hogan, Attorney; Dr. Betty Adams, Court Psychiatrist, and, Gerry Nagahisa, Social Worker, et al[+]; Harold Nickelsen, Attorney; James E. Koshiba, Ex-Chairman of Ethics Commission of Hawaii State Bar Association, and, Hawaii State Bar Association; Jung Lowe, Ex-Disciplinary Counsel, and/or Hawaii Supreme Court, et al[+++]; Robert A. Franklin, Attorney; Stephanie Kokernak; Alfred A. Yee, &/or, Alfred A. Yee & Associates, Inc.; William Richardson, Hawaii Chief Justice; Bert Kobayashi (Retired), Benjamin Menor, Thomas Ogata, Justices, and, Robert W.D.Chang, Substitute Justice; all &/or, Hawaii Supreme Court, et al[+++]; Arthur Fong, Judge, et al[++]; James Burns, Ex-Judge of Hawaii Family Court, et al[+]; Dan Heely, Ex-Disciplinary Counsel (from Nov. 1981); &/or Hawaii Supreme Court et al[+++]; Judicial Qualifications Commission; Robert Stevenson, Mitsuyuki Ki do, Rv. Charles Crane, Clifford Melim, and (exempt, deceased Wilson Cannon), et al[+++]; Donald Tsukiyama, Judge, et al[+]; Supreme Court of the United States; Walter Heen, Ex-U.S.District Attorney, and/or, Hawaii Supreme Court, et al[+++];

PETITION TO THE SUPREME COURT OF THE UNITED STATES[‡] FOR EXTRAORDINARY WRIT OF CERTIORARI

To the United States Court of Appeals for the Ninth Circuit – for Case USCA#81–4326 on appeal for Case USDC(Hi)#81–0148

AFFIDAVIT OF PETITIONER PRO SE

CERTIFICATE OF SERVICE

Mrs. Janice Ching Yee, Petitioner Pro Se
at: 3169 Alika Avenue, Honolulu, Hawaii, 96817
ph: (808) 595-3426

\+ Hawaii Family Court +++

++ Hawaii Circuit Court +++

+++ Hawaii State Government

‡ correction/update, according to FRCP,RULE 60(b)

I. QUESTIONS PRESENTED FOR REVIEW

1. WHY IS HAWAII STATE'S INVOLVED JUDICIARY'S, AND OTHER RESPONDENTS' RESULTANT CONSPIRED DEPRIVATIONS AND VIOLATIONS OF PETITIONER'S LEGAL AMERICAN CONSTITUTIONAL CIVIL RIGHTS BEING PERPETRATED AND CONDONED BY THE UNITED STATES COURT OF APPEALS' INVOLVED JUDGES, RENDERING DECISIONS IN CONFLICT WITH THIS COURT'S RULE 17(a&c)?
2. CAN THE UNITED STATES SUPREME COURT REDRESS JANICE CHING YEE, AND CORRECT ALL THE WRONG, FRAUDULENTLY CONCEALED INTRINSIC FRAUD ENTRAPMENT, NOW REVEALED, VIOLATIONS AND DEPRIVATIONS OF PETITIONER'S CIVIL RIGHTS, INJURED AS GOOD AMERICANBORN CITIZEN, WITH ESTABLISHED RIGHTS BY THE CONSTITUTION OF THE UNITED STATES; ALSO BEING INJURED BY THE REPUGNANT UNCONSTITUTIONALITY BEING INSTIGATED AND PERPETRATED BY ALL OF THE RESPONDENTS INVOLVED?
3. CAN THE U.S. SUPREME COURT RULES' RULE 18 ALSO APPLY FOR USE IN WRITS OF CERTIORARI FOR PENDING CASES FROM A STATE'S COURT OF LAST RESORT, FOR GREATER, EQUAL PROTECTION OF ALL AMERICANS, IN ANY AMERICAN COURT?

TABLE OF CONTENTS

page

Table of Contents i
Table of Authorities..... ii
Abbreviations Included..... vii
INTRODUCTION 2
I. QUESTIONS PRESENTED FOR REVIEW 1
II. STATEMENT OF PARTIES INVOLVED, AND TABLES OF CONTENT AND AUTHORITIES... 3
III. OPINIONS, ORDERS, AND JUDGMENTS BELOW 3
A. OPINIONS, ORDERS, AND JUDGMENTS SOUGHT TO BE REVIEWED 3
B. OTHER OPINIONS, ORDERS, AND JUDGMENTS OF RELEVANT PERTINENCE.... 3
IV. STATEMENT OF JURISDICTION FOR THIS PETITION 6
V. STATUTORY PROVISION FOR JURISDICTION 7
VI. CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED..... 8
VII. STATEMENT OF FACTS 9
VIII. ARGUMENTS AND REASONS RELIED ON TO GRANT THIS PETITION 19
IX. CONCLUSION..... 27
AFFIDAVIT OF PETITIONER PRO SE
CERTIFICATE OF SERVICE
APPENDICES:
APP. "A–1(1 to 5)" OPINIONS, ORDERS & JUDGMENTS BELOW SOUGHT TO BE REVIEWED
APP. "A–2(1 to 7)" OTHER OPINIONS, ORDERS, & JUDGMENTS
APP. "B" ADDITIONAL RULINGS RELIED ON
APP. "C" ADDITIONAL LAW OF PERTINENCE
APP. "D" SUPPLEMENTAL FACTS FOR HISTORY OF CASE
APP. "E" UNOFFICIAL RECORD OF SEQUENCE OF ACTION IN USCA
APP. "F" MISCELLANEOUS MATTER OF PERTINENCE

TABLE OF AUTHORITIES
A. CASES

page

"B" = found in APP. "B" in this PETITION
"OB" = found in APP. "B" in OPENING BRIEF

1. Alleghany Corp. v. Kirby, D.C.N.Y., 218 F. Supp. 164, 183 ..... "OB"
2. Atlanta Finance Co. v. Cain, 42 Ga. App. 819 157 SE 337 ..... "OB"
3. Auerbach v. Samuels, 10 Utah 2d 152, 3d 9 P. 2d 1112, 1114 ..... "OB"
4. Board of Regents v. Roth, 408 U.S. 564, 40 LW 5079 (1972)(from LW vol. #44, No.28,p.2580 ... "OB"
5. Britt v. Suckle (1979 DC Tex) 453 F.Supp. 987 .. 1, "B"
6. Butz v. Economu. 438 U.S. 478,46 LW 4952(1978) "OB"
7. Cass v.State, 124 Tex. Cr. R 208, 61 SW 2d 500 .. "OB"
8. Cook & Nichol, Inc. v. Plimsoll Club, 451 F. 2d 505 (5th Circ. 1971) ..... 1, "B"
9. Cowley v. O'Connell. 54 NE 588, 174 Mass, 253 .. "OB"
10. Erskine v. Upham, 56 Cal App. 2d 235,132 P. 2d 219, 228 ..... "OB"
11. Estelle Corrections Director v. Smith.#7901127 5/18/81 USSC Bulletin, p. B2617 ..... "OB"
12. Fannie v. Chamberlain Mfg. Corp. Derry Div. (1977 DC PA) 445 F. Supp. 65 ..... 1, "B"
13. Fluharty v. Fluharty, 8 WW Harr. 487, 193, A. 839, 840 ..... "OB"
14. Gloss v. People. 259 Ill. 332 102 NE 763 ..... "OB"
15. Gray v. Wallace. 319 SW 2d 58 2 ..... "OB"
16. Gregory v. McInnis. 140 S.C. 52, 134 SE 527,529 "OB"
17. Griffin v. Breckenridge, Supra 403 U.S. at 90–91 Id at 102, 91 S. Crt. 1798. 91 S. Ct. 1790 ..... 1, "B"
18. Haaslam v. Morrison. 113 Utah 14,190 P.2d 520 .. "OB"
19. Hampton v.Hanrahan. (1979 CA 7 Ill.)600 F.2d 600 ,1, "B"
20. Henry v. U.S. 361 U.S. 98 80 S. Ct. 168, 4. LW 2d 134 ..... "OB"
21. Hodgins v. State 2 GA. 173, 176 ..... "OB"
22. Hollenbeck v. Hall, 103 Iowa, 214, 72 NW 518 ... "OB"

23. Imbler v. Pachtman USSC#75-5435.(LAW WEEK vol #44 No. 28, p. 4257 ..... "OB"
24. In Re Baum, 8 NYS 771, Hun. 611 ..... "OB"
25. Jackson v. Denno. Supra. 378 U.S. at 377 ..... "OB"
26. Jacob v. Board of Regents (1979 SD Fla) 473 F. Supp. 663 ..... 1, "B"
27. Jillson v. Caprio, 86 App. DC 168, 181. F. 2d 523; Noted. 49 Mich. L.R. 917(1941); 35 Cornell L.Q. 904 (1950) ..... "OB"
28. Kissinger v. Haperin. USCA Const. Am. 1, 4, Fed. Reporter, 2nd Series. Vol. 606 p. 1193 ..... "OB"
29. Lambert v. People of California.335 U.S.225. '59. . "OB"
30. Lyons v. St. Jos. Belt Ry Co. 232 Mo. App. 575 84 SW 2d 933, 944 ..... "OB"
31. Matchett v. Rose. 36 Ill. App. 3d 638 344 NE 2d 770, 779 ..... "OB"
32. Mawson v. Vess Bev. Co. No. App. 173,SW 2d 606 "OB"
33. May Hosiery Mills v. U.S.Dist Crt. In and for the Dist. of Mont. CCA Mont. 64F. 2d 450,454 .. "OB"
34. McClellen v. Mississippi Power & Light Co. 545 F. 2d 919 (5th Cir. 1977). ..... 1, "B"
35. Missouri v. N.O.W. USSC 79–2037, CA 8, 48 LW 2649 ..... "OB"
36. Monell v. NY City Dept. of Soc. Serv. 456 US 658, 46 LW 4569 (1978) ..... "OB"
37. Monroe v. Pape. 365 U.S. 167, 172 (1921) ..... "OB"
38. NLRB v. Grower Shipper Veg. Assn. Am J 2d Abuse. p. 9 ..... "OB"
39. North Carolina v. Pearce 395 U.S. at 717..... "OB"
40. Peck v. U.S.(1979 SD NY) 470F. Supp. 1003 .. 1, "B"
41. People v. Ormsby. 310 Mich. 291 17 NW 2d 187, 190 ..... "OB"
42. People v. Winters. 171 Cal. App. 2d 876, 342. P. 2d 538 ..... "OB"
43. Perry v. Sinderman. 408 US 593, 40 LW 5087. 1 (1972) ..... "OB"
44. Petrovitsky v. Brigham, 14 Utah 472 47 P. 666 "OB"
45. Phaby v. KSD–KSD TV Inc. (1979 ED Mo) 476 Supp. 1051 ..... "OB"

46. Pierson v. Ray. 386 US 547 (1967) ..... "OB"
47. Reilly v. Robertson, 45 LW 1142. LW 2/22/77. "OB"
48. RE: Ledwith v. Intn'l Paper Co. 64 NYS 2d 810, affd. 271. AD 864 66 NYS 2d 625 ..... "OB"
49. Scheurer v. Rhodes 416 US 232, 94 S. Ct. 1683, 40 L Ed. 2d 90 (1979). ..... 1,"B"
50. Scott v. Moore (1978 DC Tex) 461 F. Supp. 224 1,"B"
51. Selzer v. Berkowitz (1978 DC NY) 459 F.Supp. 347 ..... 1,"B"
52. Staats v. Bristol Laboratories Div. Bristol Myers Co. 80-264 ..... "OB"
53. State v. case. 53 No. 246, 250 ..... "OB"
54 State Ex rel. Mitchell v. Sage Stores Co. 157 157 Kan. 622, 143 P 2d 652, 655 ..... "OB"
55. State v. Gilcrist. 15 Was. App 892, 552, P. 2d 690, 693 ..... "OB"
56. State v. Huegin. 110 Wis 189 85 NW 1046m 62 LRA 700 ..... "OB"
57. State v. Johnson 249 LA.950,192.So.2d 135,141 "OB"
58. State v. Vandenburg 9 WW Harr. 498. 2 A 2d 916, 919 ..... "OB"
59. Thermo v. NE Newspaper Pb.Co. 306 Mass ..... "OB"
60. Trepanier v. Standard Min. & Mill Co. 58 Wyo. 29, 123P 2d 378, 380 ..... "OB"
61. U.S. v Classic, 313 US 299, 326 ..... "OB"
62. U.S. v. Dowd.271 F. 2d 292 (75h Cir. 1959).... "OB"
63. U.S. v. Lee, 106 US (16 Otto) 196, 220, 1 SC 240,27. ..... "OB"
64. Warren v. Union Bank 157 N 259 51 NE 1056 "OB"
65. White v. Chicago, Burlington & Quincy RR. 417 F. 2d 941 (1969) ..... "OB"
66. Wing v. Wing, 66 ME. 62, Am Rep. 548 ..... "OB"
67. Wood v. Strickland. Supr. at 315 ID at 332 ..... "OB"

B–1. STATUTES; LAW

1. CONSTITUTION OF THE UNITED STATES OF AMERICA ..... page 2,5,7,8,9,22
ARTICLE 1, SECTION 1 7

ARTICLE 1, SECTION 8 7
ARTICLE 3 7
ARTICLE 4 6,7,28
AMENDMENT 1 5,7,12,14,18,19,22,28,29
AMENDMENT 4 7,12,18,19,22,29
AMENDMENT 5 7,12,18,19,22,29
AMENDMENT 7 7,12,19
AMENDMENT 8 7,12,19
AMENDMENT 13 7,12,19
AMENDMENT 14 5,7,12,14,18,19,22,28,29
negative AMENDMENT 6 8,12,21,29

2. FEDERAL RULES OF APPELLATE PROCEDURE
RULE 3 8
RULE 4 8

3. FEDERAL RULES OF CIVIL PROCEDURE
RULE 8(b) 8,24
RULE 18 8
RULE 19(a) 8
RULE 26 8,9
RULE 42(a) 8
RULE 56(a) 8,14
RULE 60(b)(1 to 6) 8
RULE 60(b)(3) 8,11
RULE 60(b)(4) 8,11
RULE 60(b)(6) 8,11

4. RULES OF THE SUPREME COURT OF THE UNITED STATES
RULE 11.3 6,7
RULE 13 4,7
RULE 17(a) 2,7,18,21
RULE 17(c) 2,7,18,21
RULE 18 2,5,15,18,21,28
RULE 19 4,7
RULE 20.4 6,7
RULE 21 7
RULE 27 & 28 7
RULE 33 7
RULE 39.1 7

5. RULES OF THE UNITED STATES COURT OF APPEALS

RULE 3(a)(3) 20
RULE 3(g) 9
RULE 6(h) 9
RULE 19(a) 9

6. TITLE 28, UNITED STATES CODE 20

CHAPTER 81, SECTION 1254 1,7
CHAPTER 85, SECTION 1343 1,7,11,17,19,25,27,28
CHAPTER 89, SECTION 1441 21
CHAPTER 111, SECTION 1651(a) 1,7
CHAPTER 131, SECTION 2071 3,7
CHAPTER 133, SECTION 2101(c) 1,7

7. TITLE 42, UNITED STATES CODE SERVICE 20

CHAPTER 21, SECTION 1983 7,9,11,17,19,25,28
CHAPTER 21,SECTION 1985(2&3) ... 7,9,11,17,19,25,28
CHAPTER 21, SECTION 1986 7,9,11,17,19,25,28

page

B–2. FROM HAWAII

1. THE CONSTITUTION OF THE STATE OF HAWAII

ARTICLE ONE, SECTION 1 to 8, and 12 8,12,22

2. THE HAWAII FAMILY COURT RULES

negative RULE 7(b)(5) 8,18,19,22,23,24

3. THE HAWAII REVISED STATUTES

CHAPTER 605–2 7,8,27,28
CHAPTER 657–20 6,8

4. THE RULES OF THE SUPREME COURT OF HAWAII

THE CODE OF PROFESSIONAL RESPONSIBILITY

ETHICAL CONSIDERATIONS: 2–27 8,12,15
2–28 8,12,15
2–30 8,12
7–5 8,12
7–21 8,12,15
7–22 8,12,15
7–26 8,12

CANONS OF JUDICIAL CONDUCT.....8,12

ABBREVIATIONS INCLUDED

1. APP. = APPENDIX
2. AAY = ALFRED A. YEE
3. EA = EXCERPTS APPENDIX
4. FRAP = FEDERAL RULES OF APPELLATE PROCEDURE
5. FRCP = FEDERAL RULES OF CIVIL PROCEDURE
6. HCC = HAWAII CIRCUIT COURT
7. HFC = HAWAII FAMILY COURT
8. HRS = HAWAII REVISED STATUTES
9. HSBA = HAWAII STATE BAR ASSOCIATION
10. HSC = HAWAII SUPREME COURT
11. HSCR = HAWAII SUPREME COURT RULES
12. JCY = JANICE CHING YEE
13. PET. = PETITIONER
14. RESP. = RESPONDENT
15. USCA = UNITED STATES COURT OF APPEALS
16. USDC(Hi)= UNITED STATES DISTRICT COURT OF HAWAII
17. USSC = UNITED STATES SUPREME COURT
18. USSCR = UNITED STATES SUPREME COURT RULES

No. 81–

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1981

IN RE: JANICE CHING YEE, Petitioner Pro Se

v.

HAROLD SHINTAKU, JUDGE, et al[+], Respondents.

[+]per cover captions

PETITION

TO THE SUPREME COURT OF THE UNITED STATES FOR EXTRAORDINARY WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT FOR CASE USCA#81-4326 ON APPEAL FOR CASE USDC(Hi)#81–0148

To the Honorable Associate Justice Sandra O'Connor, and/or Honorable Chief Justice Warren Burger and all Honorable Associate Justices; whose meditations of the heart are acceptable as impartial; of the Supreme Court of the United States; this humble Petitioner Pro Se Janice Ching Yee, Petitions and prays for this Court's discretion that an EXTRAORDINARY WRIT OF CERTIORARI issue; according to Title 28, U.S.Code, Chapter 81, Section 1254; Chapter 85, Section 1343; Chapter 111, Section 1651(a); and Chapter 133, Section 2101(c), and all Law pled for Jurisdiction. Petitioner prays for this Court, to review and redress, or review, direct, and remand for REDRESS for same Petitioner, who suffers injury from perpetrated deprivation and violation of Petitioner's American Constitutional civil Rights; [‡]injured by a travesty of Justice, lasting over eight (8) years.

[‡]Britt v. Suckle; Cook & Nichol, Inc. v. Plimsoll Club; Fannie v. Chamberlain; Griffin v. Breckenridge; Hampton v. Hanrahan; Jacob v. Board of Regents; Jillson v. Caprio; McClellen v. Mississippi Power & Light Co,; Peck v. U.S.; Phaby v. KSD–KSD TV, Inc.; Scott v. Moore; Scheurer v. Rhodes; Selzer v. Berkowitz. (all APP. "B")

II. STATEMENT OF PARTIES INVOLVED, AND TABLES OF CONTENT AND AUTHORITIES

"All parties to the proceeding in the Court whose Judgment is sought to be reviewed", are listed in the caption title of this case.

The Table, of Content, and of Authorities, for this PETITION, has been presented as a preface to this PETITION,* for speedier referencing, including a table of Abbreviations.

III. OPINIONS, ORDERS, AND JUDGMENTS BELOW, OF PERTINENCE

A. OPINIONS, ORDERS, AND JUDGMENTS SOUGHT TO BE REVIEWED

The ORDERS and JUDGMENT of pertinence sought to be reviewed, were filed in the U.S. Court of Appeals for the Ninth Circuit, on:

1. November 27, 1981: (APP. A–1(1))
2. October 15, 1981: (APP. A–1(2))
3. September 24,1981: (APP.A–1(3)) and
4. September 9, 1981: (APP.A–1(4))

Petitioner's NOTICE OF APPEAL, was filed on Dec. 16, 1981, (APP.A–1(5)) in the U.S. Court of Appeals for the Ninth Circuit. (correction noted on p.11)

Petitioner prays for consideration of the Opinions, Orders, and Judgments of other Courts and Agencies below, also, for pertinent relevance which precipitated the probable cause and REASON for COMPLAIN, APPEAL, and PETITION for Petitioner's case, with merit, to REDRESS JANICE CHING YEE with proper claims, as pled; and from this Court, by/with JURISDICTION, of action arising from Title 28, Chaper 131, Section 2071, by ORDER from this Court or by remand.

B. OTHER OPINIONS, ORDERS, and JUDGMENTS OF RELEVANT PERTINENCE

1. Petitioner prays for This U.S. Supreme Court's

*note of given permission for form has been appended as APPENDIX A–2(5); not applicable now except as proof for timeliness. See certification of this APPENDIX.

ORDER for Petitioner's certified RECORD ON APPEAL, to be sent to this Court, because the "RECORD", including the EXCERPTS APPENDIX, is "deemed essential to a proper understanding of" this Case USCA#81–4326, "by this Court"(USSCR Rule 13 and 19, see abbreviations in Table of Authorities.

The OPINIONS, and opinionated ORDERS of essential pertinence, are "documents of discovery" of Respondent Judiciary's Unconstitutional malfeasance for unAmerican intrinsic fraud and entrapment, instigated and perpetrated in "PRE-TRIAL" Hearings or non-Hearings (Heen). These "ORDERS" should also be considered for its relevance and pertinence as the overall background fraudulently concealed, now revealed causes for the intrinsic fraud judicial frivolity perpetrated. All can be reviewed by this Court, whereof all of Petitioner's Exhibits prove Petitioner's allegations and contentions as true; and are found in the EXCERPTS APPENDIX:

	pages	Exh.#	Court/ Agency	by which Respondent
1.	151–250	3–23	HFC(see abbrevtns)	Betty Vitousek, as Judge (divorce grant not appealed)
2.	266–267	27	HFC	Dr. Betty Adams, as Court Psychiatrist
3.	268–271	28	HFC	Gerry Nagahisa, Court Social Worker
4.	277–283	31	HFC	Harold Nickelsen, Court ordered "guardian ad Litem" (dismissed)
5.	296–307	42-45(a)	HSC	Wm. Richardson, as Chief Justice
6.	325–339	45–66	HFC	James Burns, once as Judge
7.	353–354	72	HFC	Donald Tsukiyama, as Judge
8.	142–150	1–2	HCC	Harold Shintaku, as Judge

9.	263–265	25–26	HCC	Norito Kawakami,as Judge
10.	272–276	29–30	HCC	" "
11.	284	32	HCC	" "
12.	289–291	37–38	HCC	" "
13.	322–324	55	HCC	Arthur Fong, as Judge
14.	285–286	33–34	HSBA	James Koshiba, as Chairman of Ethics Commission HSBA
15.	287–288	35–36	HDC	Jung Lowe, as Disciplinary Counsel (now ex–)
16.	344	69	HDC	Dan Heely, as Disciplinary Counsel (now ex–)
17.	345	70	HJQC	Hawaii Judicial Qualifications Commission–Robt. Stevenson, et al
18.	261–262	24(a&b)		Dr. Kwong Yen Lum, Psychiatrist
19.	362–368	none	USDC(Hi)	Walter Heen, as Judge

Petitioner prays for this Court to ORDER the RECORD(s) from each of these Courts (case numbers are included in the COMPLAINT, in USDC(Hi) #81-0148) for REASON for additional MONETARY RELIEF, for REDRESS, as "deemed equitable and just" by this Court.

2. Also, for inclusion, Petitioner includes a letter from this Court's "Office of the Clerk" (APP. A–2(3)); denying filing of Janice Ching Yee's (JCY's) 1980 Joint Petition, believed real applicable for "immediate settlement by this Court", by the U.S. Supreme Court Rules' RULE 18's "deviation from normal appellate practice" for pending case(s) from a Court of last resort, for Petitioner's case of "imperative public importance" for the strength of the U.S. CONSTITUTION. All merits will be argued.

3. Judge William Canby's REASONABLE ORDER has been included here, for affirmation of Petitioner's RIGHTS, according to AMENDMENT ONE and FOURTEEN of the U.S. CONSTITUTION, for any AMERICAN. (APP. A–2(4)).

IV. STATEMENT OF JURISDICTION FOR THIS PETITION

The JURISDICTION of this case is founded on the existence of a Federal Question, and on the existence of unconstitutional, unamerican violations and deprivations of Petitioner Pro Se JCY's Legal, American, Constitutional civil RIGHTS. The action arises from Statutory provisions included in part V. of this PETITION. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars ($10,000.).

This PETITION FOR EXTRAORDINARY WRIT OF CERTIORARI, is based on Petitioner's RIGHT FOR REDRESS, suffering "double jeopardy", by a miscarriage of Justice, committed by the U.S. Court of Appeals for the Ninth Circuit, condoning the U.S. District Court for the District of Hawaii, in their violations, deprivations, and errors, which were perpetrated and compounded by the Appeals Court's "Orders", as if they were final Judgments; but of an untried case, without Hearing or Trial; and which invokes the JURISDICTION of this Court. The ORDERS subject to review by this Court, of "denials" for APPEAL of a pre-trial case untried are:

1. filed Nov. 17, 1981, as pled; (APP. A–1(1))
2. filed Oct. 15, 1981; (APP. A–1(2))
3. filed Sept. 24, 1981; (APP. A–1(3)) and,
4. filed Sept. 9, 1981; (APP. A–1(4)).

Petitioner prays for extension of time if necessary, with claims for continued use of HAWAII REVISED STATUTES, CHAPTER 657–20 affirmed for use by ARTICLE FOUR of the U.S. CONSTITUTION; for continued extension of six (6) years to plead against fraudulent concealment of the involved judiciary's instigated and perpetrated intrinsic fraud, contributed to, by all Respondents, each in his selfish, unconstitutionally greedy, unamerican, unreprentant, cruel frivolity, which injured Petitioner's civil RIGHTS.

Petitioner prays for timeliness, also, according to USSC RULES, RULES 11.3 and 20.4, for "subsequent judgment(s) entered on the rehearing". Petitioner prays for review, determination, and direction of COURT ORDER FOR REDRESS FOR PETITIONER, who appealed as long as possible in the lower Appeals Court, to urge the Court to reconsider its

unamerican perpetration of the Hawaii Court's travesty of Justice for Petitioner. (APP. F–2)

Wherefore, the ORDERS by the U.S.Court of Appeals for the Ninth Circuit, rendered:

1. "decisions in conflict with the decisions of another Federal Court of Appeals on the same matter; or has decided a Federal Question in a way in conflict with a state court of last resort, or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision", and
2. and "decided an important Question of Federal law which has not been, but should be settled by this Court, or has decided a Federal Question in a way in conflict with applicable decisions of this Court", (ALL RULINGS OF APP. "B") all of which is reviewable and determinable by this Supreme Court of the United States, according to U.S. Supreme Court Rules, RULE 17(a & c), and TITLE 28, Chapt. 131, Sec. 2071.

Petitioner Pro Se Janic Ching Yee prays for WRIT OF CERTIORARI to issue.

V. STATUTORY PROVISONS FOR JURISDICTION

The JURISDICTION of this Supreme Court of the United States arises from action, according to:

1. RULES OF THE SUPREME COURT OF THE UNITED STATES, RULES 11.3, 13, 17(a & c), 19, 20.4, 21, 27, 28, 33, and 39.1;
2. CONSTITUTION OF THE UNITED STATES, ARTICLE 1, Section 1, ARTICLE 1, Section 8, ARTICLE 3, ARTICLE 4, and the AMENDMENTS 1, 4, 5, 7, 8, 13, and 14;
3. TITLE 28, U.S. CODE, Chapter 81, Section 1254, Chapter 85, Section 1343, Chapter 111, Section 1651(a), and Chapter 133, Section 2101(c); and; Chapter 131, Section 2071.
4. TITLE 42, U.S. CODE SERVICE, Chapter 21, Section 1983, 1985(2 & 3), and 1986;
5. HAWAII REVISED STATUTES, CHAPTER 605–

2 for Petitioner's privilege to plead "pro se", and CHAPTER 657–20 for automatic extension (continuous, as explained) to plead against the "fraudulent concealed", revealed, coercion to accept the intrinsic fraud entrapment by coercion of non-assertion of civil RIGHTS, asserted for REDRESS FOR JCY, and for equal opportunity and fair competition, even in law, or as future lawyer, or Judge.

6. FEDERAL RULES OF CIVIL PROCEDURE, RULE 60(b)(3)(4) and RULE 60(b)(6) for relief from the inequities and intrinsic fraud entrapment; are also included for the JURISDICTION of this Court, with precedence of its RULINGS found in APP. "B", of this PETITION, and of OPENING BRIEF #81–4326.*

VI. CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The Constitutional Provisions and Statutes involved in This Case, are:

1. all provisions mentioned in part V of this PETITION:
2. THE CONSTITUTION OF THE UNITED STATES, and its specified ARTICLES and AMENDMENTS, to include the negative SIXTH AMENDMENT, which in its inequality, is violation and deprivation of Petitioner's RIGHTS, against the intrinsic fraud entrapment, as "false imprisonment", which aids the enemy of America.
3. HAWAII STATE CONSTITUTION, ARTICLE 1, Section 1 to 8, 12;
4. HAWAII FAMILY COURT RULES' negative RULE 7(b)(5);
5. HAWAII SUPREME COURT RULES' CANONS OF JUDICIAL CONDUCT;
6. HAWAII'S CODE OF PROFESSIONAL RESPONSIBILITY'S ETHICAL CONSIDERATION 2–27, 2–28, 2–30, 7–5, 7–21, 7–22, and 7–26.
7. FEDERAL RULES OF CIVIL PROCEDURE, RULE 8(b), 18, 19(a), 26, 42(a), 56(a), and 60(b)(1 to 6);
8. FEDERAL RULES OF APPELLATE PROCEDURE, RULE 3, and 4;

*USCA.

9. RULES OF THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, RULE 3(g), 6(h), and Rule 19(a).

VII. STATEMENT OF FACTS

Petitioner Pro Se suffers grievous trauma, caused by "double jeopardy" from a travesty of justice, as capable, good woman JCY. This "discovery" (RULE 26 of FRCP) was/is by the "Order"s of the U.S.Court of Appeals for the Ninth Circuit, perpetrating the Hawaii's U. S. District Court's deprivation and violation of same individual Petitioner's "due process of Law", and RIGHTS FOR REDRESS, injured by the USCA's 9th Circuit) malevolent disinterest in reversing, or vacating, or altering the lower Hawaii District (U.S.) Court's unconstitutional deprivation and violations, which are "repugnant" to the U.S.CONSTITUTION, and its "civil RIGHTS" applications for Petitioner; and according to Title 42's 1983, 1985(2 & 3), and 1986, wherefore Sections 1983 and 1985 were specified for the JURISDICTION of the lower Court in the first instance, although not expanded in the text of the COMPLAINT. The USCA's "denials" of pertinent, relevant FEDERAL QUESTIONS in part "QUESTIONS" specifically mentioning these Sections, therefore effected perpetration of deprivation and violation of this Petitioner JCY's civil RIGHTS.

JCY's COMPLAINT, APPEAL, and WRIT, are for REDRESS for/as capable Americanborn, good woman citizen Janice Ching Yee, with probable cause against the conspired bad faith intent violations and deprivations, causing suffering of more than 8 years, from injury of equal opportunity, fair competition (especially for the field of LAW), and free enterprise for just gain; injured by the Respondents' cruel conspired, resultant "intrinsic fraud" which was effected by cruel assassination of Petitioner's good character, reputation, and good name Janice Ching Yee, not yet redressed for any injury, and therefore causing any deprivation and violation. The cruel assassination of character, etc., was effected by defamatory, libelous slander of "whore" by ex-husband AAY (& his company) Respondant(s) enjoying unjust gains of use of Petitioner's money;* OR, the "incapacitated" perjured, libel and slander, judicial frivolity "ordered" by Respondent B. Vitousek, as Judge of the Hawaii Family Court, for Petitioner's divorce case (divorce not being

*APP. A–2(1) and A–2(2).

appealed), depriving Petitioner of RIGHTS including RIGHT of management of Petitioner's own money by same JCY without deceptive invasion of privacy; by an unnecessary restraintive, illegal "guardian ad litem" (dismissed Feb. 2, 1975) and/or "double jeopardy" "illegal" "Court Commissioner" (not vacated, or reversed and/or dismissed yet), depriving Petitioner enjoyment of management, as executive businesswoman JCY; OR, the "severe chronic mental illness' perjured, malpractice, libelled, slandered "report" and testimony by the Hawaii Family Court Psychiatrist Dr. Betty Adams, Respondent, which incompetance was accepted illegally by Respondent, Judge Betty Vitousek; who was condoned by the prejudiced, contributing Respondent, Judge Harold Shintaku, who perpetrated, and aided the conspired bad intent; also contributed to, by Respondent Norito Kawakami, compounding Shintaku's instigated, and perpetrated condonement of Respondent Vitousek's instigated intrinsic fraud, then fraudulently concealed, judicial frivolity, causing unamerican, unconstitutional, terroristic, restraintive, suppressive, oppressive, obstructive entrapment, being effected by all Respondents' perpetration, which could then, in 1975, have been prevented by Respondent, Judge Harold Shintaku (or Respondent Jung Lowe, or the Hawaii Supreme Court), who was/is wrongfully perjurous; now supported by Judges Goodwin and Skopil, Pregerson, and Ferguson, and their "denials". The "denials" are perpetrating, aiding, and contributing to the deprivation of civil RIGHTS for Petitioner JCY for fast collection of Petitioner's money and REDRESS, without delay, as penalty, causing coercion of non-assertion of Petitioner's RIGHTS, asserted again, for REDRESS, with RIGHTS included, to compete for position as "best", with JCY's real, competeable reputation. The "denials" are also causing coerced ignominy and anomie, by extreme unconstitutional deprivations, and violations of RIGHTS for credit, moneys, and "Equal RIGHTS", as manageress, management, injured by the "restraint" being effected as once threatened by/for Respondent AAY,ex-husband. He intended his bad threat (from 1967–71) to "get" or "fix" Petitioner, who didn't commit crime or sin to warrant the threat, not having had any second man as husband yet, or, having been a virgin upon marriage once to Respondent AAY (from 1/29&53 to 3/1/73), and/or, once having managed finances for Respondent AAY, who once coerced attempted suicide by terrible ostracism and insinuated false accusations, and therefore, was the

only problem, and eliminated by divorce in Respondent Vitousek's court, which created unamerican intrinsic fraud as a worse problem, badly precedented for injury of Petitioner Janice Ching Yee, and/or any good Americanborn citizen. Wherefore the "intrinsic fraud" constitutes deprivation of Petitioner's real credits as capable, good, wellborn American woman JCY, for Legal American Constitutional civil RIGHTS, with equal opportunity and fair competition, and equal RIGHTS, for free enterprise, on same Petitioner's normal higher level, as management; instead of the Respondents' perjured, coerced, frivolity, judicially allows by the restraintive, suppressive oppression, extortively coercing acceptance of the conspired depriving violations, which violate the Title 42's section 1983, 1985(2 & 3), and 1986, and Title 28's section 1343, compounded by violations of FRCP, Rule 60(b)(3)(4)(5) and (6).

Therefore, the U.S. Court of Appeals for the Ninth Circuit perpetrated the "double jeopardy" of "incapacitated" falsehood which caused the injury by the U.S. District Court for the District of Hawaii, by: (APPENDIX A–2(6) and A–2(7))

1. Deprivation and omission of Hearing for case USDC (Hi) #81-0148*, and "denied" Hearing even for MOTION FOR NEW TRIAL AND RELIEF FROM JUDGMENT", which was filed, and scheduled for Hearing. Please excuse the confused inadvertant mistake in Petitioner's "DESIGNATION OF RECORD ON APPEAL".
2. Sudden cancellation of Hearing without warning to any party, causing deprivation of RIGHTS, including matter saved for the Hearing, as "MOTION FOR ENTRY OF DEFAULT of Defendant Dr. Kwong Yen Lum", or presentation of EXHIBITS of Damages Incurred by Defendants; which were included in the "OBJECTION", denied filing (EXCERPTS APP. 461–494), and amended and included in the OPENING BRIEF's APP. "A" of USCA#81–4326. The presented "MOTION FOR ENTRY OF DEFAULT was also denied filing. (E.A.p. 495–503; USDC(Hi) #81-0148).
3. Deprivation and omission of Jury Trial.

*Docket sheet has been included as APPENDIX F–1.

4. Deprivation of RIGHTS, through refusal for filing of "OBJECTION", as matter of RIGHT, injured by the Judge Heen aiding the Defendants (Respondents) by illegal use of the Sixth Amendment of the U.S. CONSTITUTION.
5. Ignored Plaintiff Pro Se JCY's claims for REDRESS, with/for claims against:
   1) "fraudulent concealment"
   2) conspiracy
   3) bad intent, bad faith
   4) prejudice, prejudiced persecution
   5) malice
   6) perjury, (and) against the Lawyers' Oath & Judicial Oath
   7) contributory defamation, libel, slander, and actual
   8) judicial frivolity; frivolity; & contributory
   9) malicious abuse of judicial process; & contributory
   10) violation of ETHICAL CONSIDERATION 7–21, 7–22, 7–26, 7–5, 2–27, 2–28, 2–30
   11) coercion for non-assertion of LEGAL RIGHTS; & contributory
   12) suppression, oppression, restraint; & contributory
   13) coercion for involuntary servitude; & contributory
   14) obstruction of justice
   15) negligence
   16) assassination of character, reputation, and good name
   17) unamericanism (communism included)
   18) conflict of interest
   19) deception
   20) unconstitutional violation of American CONSTITUTIONAL RIGHTS, AMENDMENT 1, 4, 5, 8, 13, and 14 (& 7), or HAWAII STATE CONSTITUTION, Art. 1. Sec. 1, 2, 3, 4, 5, 6, 7, 8, & 12
   21) unequal opportunity; contributory
   22) unfair competition

23) delay
24) violation of due process of law; and JUDICIAL CODE; & contributory
25) coercion for extra expenditure in the Court
26) malevolent disinterest
27) gross cheat and swindle; contributory
28) malpractice
29) coercion for ignominy and anomie; contributory
30) judicial violence; contributory
31) "false arrest"
32) coercion for degradation of living standards
33) extortion; contributory
34) delay of Plantiff's life by choice or as blessed
35) malfeasance, malpractice

and/or, any part of these claims, against Respondents' violations of case RULINGS of pertinence; all "QUOTED" in the COMPLAINT:

1) JILLSON v. CAPRIO
2) LEDWITH v. INTERNATIONAL PAPER CO.
3) WHITE v. CHICAGO, BURLINGTON, AND QUINCY R.R.
4) DORIS DAY v. ROSENTHAL
5) WOOD v. STRICKLAND
6) MUNROE v. PAPE
7) U.S. v. CLASSIC
8) SCHEUER v. RHODES
9) PIERSON v. RAY
10) SPAULDING v. VILAS
11) ALZUA v. JOHNSON
12) IMBLER v. PACHTMAN
13) BOARD OF REGENTS v. ROTH
14) PERRY v. SINDERMAN
15) PEOPLE v. WINTERS
16) PEOPLE v. ORMSBY
17) HOLLENBECK v. HALL
18) THERMO v. N.E. NEWSPAPER PUBLISHING CO.
19) MAY HOSIERY MILLS v. U.S. DISTRICT COURT; and
20) ATLANTA FINANCE CO. v. CAIN.

Petitioner's "priority case", with OPENING BRIEF and EMERGENCY MOTION, with all requirements met; was malevolently ignored, and/or "dismissed" and "denied" by the four (4) Judges sitting in Judgment from the USCA for the Ninth Circuit. The Judges Goodwin and Skopil, and Pregerson and Ferguson; in conflict, didn't recuse, before contributing to the Judicial frivolity of the lower Hawaii (U.S.) District Court. Petitioner's request was ignored.

Petitioner thought Petitioner's prayers were answered for fast expediting of cases, when the Defendants–Appellees, all Defaulted, and didn't defend or plead against the EMERGENCY MOTION, having received copies in time (APP. "E"). Because of this, they should not have been allowed an extension for their Answering Briefs; or been considered for extension; therefore or considered, because of late answering briefs.

Petitioner pled in the civil Court, and appealed for good intentioned understanding, not found in the Appeals Court, for Petitioner's civil case against the Respondents' cruel, unamerican, unconstitutional, violations and deprivations of civil RIGHTS for Petitioner, against the Respondents' who were/are criminal in action and intent, but still were liable as violators of Petitioner's Civil RIGHTS, with probable cause for COMPLAINT in the Civil Court. Also, this "Civil" factor, meant the Court could ORDER financial ((SUMMARY JUDGMENT; Rule 56(a) of FRCP)) REDRESS for Janice Ching Yee, as Petitioner Pro Se here, and not put the Respondents in jail, since they were all intelligent, but errant violators, who could serve society better outside of jail, but pay Janice Ching Yee, as victim of their cruel resultant conspired frivolity, effecting the intrinsic fraud entrapment injury of Petitioner JCY. Pro Se JCY prayed for the Court to see this truth and its use, explained more explicitly by Supplemental Pleading, because of no Hearings yet; wherefore Judges Pregerson and Ferguson denied all "Motion" as "moot", which was unfair and malicious, in bad, conflict intent. This case is not a rehash. Petitioner's merits are real. There was never any trial of the Respondents yet, for their civil crimes in criminal intent, and depriving violations of Petitioner's RIGHTS; so "res judicata" does not apply!

Although the divorce case was the situation which caused the intrinsic fraud, it is not a party in this case, COMPLAINT

=81–0148 in the U. S. District Court of Hawaii; aside from claims for JCY's REDRESS of RIGHTS by the U.S. Supreme Court, to include "immediate settlement" of Petitioner's 1980 Joint Petition, applicable by USSC RULES, Rule 18, if literal translation of "deviation from normal appellate practice" is used; for EQUAL PROTECTION for the U.S. CONSTITUTION's AMENDMENT 1 and 14, for fast REDRESS by this Court. For, the divorce case has been delayed final settlement as real equitable, fair, reasonable settlement, wherefore Hawaii Supreme Court's delay of review or consideration of case HSC#7067 therefore is contributory to Judge James Burns' extortive coercion for the case as settled, even though the Judgments are in violation of HAWAII'S CODE's ETHICAL CONSIDERATION 7–21, and 7–22, because of the HFC's violations depriving "expungement" or correction of Respondents Vitousek's or Burns' malicious abuse of process. Petitioner Pro Se Janice Ching Yee has merit to collect $3 million pled for from the ex-husband AAY and his company AAY & Associates, together; and it was not/would not have been, a hardship. and/or could have been paid in a large part by now, from 1972.

Petitioner talked to and/or interviewed 327 (three hundred twenty seven) attorneys from the Hawaii State Bar Association, with exception of two referred from elsewhere; without acceptance or offer of help from any attorney for litigation for REDRESS for Petitioner against their violations or contributory violations of ETHICAL CONSIDERATION 2–27 and 2–28, and 7–21 (APP. "C").

Petitioner sued Respondent Harold Shintaku, who was not sued before in any case of Petitioner's, and sued Respondent Vitousek and the other Respondents as Contributory Respondents; because Respondent Shintaku condoned the unconstitutional, unamerican judicial frivolity intrinsic fraud, revealed, deprivations and violations of Petitioner's civil RIGHTS, injured also by the resultant conspired, effected "gross cheat and swindle" of JCY's money, not redressed yet. Also effective was/is the unexpunged "false arrest" "guardian ad litem" as a blot–on the good, capable, real record of Petitioner, injured by Respondent Harold Nickelsen's malevolent disinterest and conflict, where he malevolently said gleefully, he was "something Vitousek thought you needed", when told he wasn't necessary for Petitioner JCY.

JCY graduated from Northwestern University's Commerce School in 1951, with a B.S. Degree in Business Administration, with a major in Accounting, and with real academic credit, and extra-curricular credits, enjoying the four (4) years of independence in college, intending to work and earn JCY's once intended CPA, and/or marriage, and earn the CPA title; not then in 1951, intending to go to law school. JCY's credits as once "silent executive partner" for the individual AAY, ex-husband, was real, and as pled.

Petitioner sued Respondent Norito Kawakami, who aided and abetted the Respondents who were brought into his Hawaii Courtroom to be prosecuted. Respondent Kawakami imposed costs, illegally instigating and perpetrating judicial frivolity for his buddies Respondents Hogan, Nickelsen, and Koshiba and the Hawaii State Bar Association (HSBA); wherefore Kawakami condoned their contributory intrinsic fraud, then fraudulently concealed, and which effected/effects judicially instigated frivolous "false imprisonment" of good Petitioner, for funds to join and compete in any career happenings for JCY, even with use of own funds being deprived ((APP. A–2(1) and A–2(2)), for JCY, as management owner of Pi PRESS, Inc.; Authoress; Poetess; Publisher; future help in Trial Law, as lawyer, with prayers for entry to Law School first.

The specifics of all of the history of the facts of this case is long and involved many more pages, so Petitioner has included the condensed history in the APPENDIX "D", for concise reference of additional facts, for truth and accuracy of facts forming the basis for Petitioner's original COMPLAINT and APPEAL, with real probable cause. Petitioner prays for ORDER for certification and transmittal of the RECORD ON APPEAL for this case, to this Court, also for this purpose. (and APPENDIX "E")

All of the Respondents included are "Guilty", according to the Supreme Court's RULING for JILLSON v. CAPRIO, where:

"ANYONE WHO AIDS A FALSE ARREST IS GUILTY",
and "NOT ONLY THE PERPETRATORS" "BUT THE INSTIGATORS OF UNLAWFUL VIOLENCE IS FULLY RESPONSIBLE TO ITS VICTIM";
and all RULINGS included in APPENDIX "B" of this PETITION

and in APPENDIX "B" of OPENING BRIEF of USCA#81–4326.

Petitioner's summarized DEMAND FOR SUMMARY JUDGMENT was pled in the June 9, 1981 filed: "A. MOTION FOR NEW TRIAL AND RELIEF FROM JUDGMENT OR ORDER; B. MOTION FOR RECUSAL OF JUDGE WALTER HEEN, Etc., AND; C. RE-MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF PRO SE JANICE CHING YEE" found on pages 449-454 of the EXCERPTS APPENDIX.

Respondent Walter Heen has been included by request for JOINDER, because Respondent Heen once as ex-U.S. District Attorney showed his prejudice for Chief Justice Wm. Richardson, Respondent, and his Court. Therefore, when Respondent Heen, as Judge (not being sued as Judge) again showed his prejudice for perpetrated conflict for perpetrated injury of Petitioner JCY's RIGHTS, Petitioner included Walter Heen as Respondent, because he fraudulently concealed his conflict and conspired consanguinity, under the guise of the position of Judge, and to aid in the "disposal" of Petitioner's very real allegations and COMPLAINT against any Defendant (all Respondents here). Judge Heen "took over" magistrate Thomas Young's Court, and "denied" JCY's case, without any Hearing, on the day scheduled for Hearing, leaving all Defendants' lawyers unnotified previous to the announcement by the Clerk at the specified time of the Hearing. His prejudiced "Order" gives evidence, as a "document of discovery", of Respondent Heen's anti-COMPLAINT by JCY, with propensity for LAW, injured by unfair competition, by the Respondents Judiciary and attorney members, and their conspired resultant deprivation and violation of assered and/or pled civil RIGHTS, with real merit for REDRESS for Petitioner, according to TITLE 28's Section 1343, and TITLE 42's Section 1983, 1985 (2 & 3), and Section 1986.

For the record, Petitioner believes Petitioner's COMPLAINT was concise enough for COMPLAINT against 24 Defendants; therefore without losing the accuracy of facts of nine (9) years of injury of Petitioner's civil RIGHTS. JCY pled as "Plaintiff Pro Se" in the USDC(Hi), having lived with the case this long, and having first hand knowledge of all facts, believing Complainant JCY could complete this case, and bring it to fruition for good, and fast CONCLUSION, by Janice Ching Yee, as Complainant Pro Se.

Part of the cause of the deprivation and denial of monetary relief for Petitioner, has been based on the unconstitutional HFC Rules, Rule 7(b)(5); which is repugnant to the U.S. CONSTITUTION and its AMENDMENTS 1, 4, 5, and 14, specifically, against the unconstitutional deceptive seizure (of financial instruments or moneys due; because of interest earnable) by deceptive invasion of privacy of creditor Plaintiff(s); wherefore the involved lower Courts' complicity, and violations, are liable, according to RULE 17 (a & c) of the RULES OF THE SUPREME COURT OF THE U.S.

The Respondent Psychiatrist Dr. Kwong Yen Lum's default was obvious, and the USDC(Hi) and USCA (9th Circ) Courts' refusal to ORDER REDRESS FOR JANICE CHING YEE, proves the U. S. District Court of Hawaii, and the U. S. Court of Appeals for the Ninth Circuit; were both prejudiced against REDRESS and RECOVERY for same JCY, with probable cause and merit for claims for REDRESS.

This U.S. Supreme Court was included, because it was hoped the USDC(Hi) of USCA(9th Circ) could have ordered the higher Court to include Petitioner's (other) JOINT PETITION, on a Writ of Certiorari, of a case pending in the State of Hawaii's Supreme Court, as the Court of last resort; and thereby, giving this Court the opportunity to someday, upon filing of Petitioner's 1980 Joint Petition; include "the State Court of last resort", as applicable for use of RULE 18 of the RULES OF THE SUPREME COURT OF THE U.S. for "immediate settlement" of cases with requirement, as important, whereof Petitioner's case met the requirement.

There were only four (4) Judges who composed "the Court" who made decisions or "Orders" for this case; in the USCA for the Ninth Circuit; as USCA#81–4326; wherefore:

1. The Court didn't consider the default by all Respondents for the EMERGENCY MOTION, wherefore all Respondents or their attorneys didn't defend or plead, RE; the MOTION.
2. The Court "denied" fast expediting of JCY's case #82–4326, even with the EMERGENCY MOTION having been defaulted by all Respondents.
3. The Court dismissed the APPEAL, without a Hearing or actually considering REDRESS FOR JCY, for

SUMMARY JUDGMENT against Respondents, where some literally defaulted.

4. The Court ignored the default of timeliness by Respondents and didn't penalize the Respondents or order against them.
5. The Court "denied" any Motion, as "moot"; thereby "denying" "subject matter for the substantive rights of Appellant".
6. The Court contributed to, perpetrated, and aided and abetted the Respondents' conspired unconstitutional, perjured deprivations and violations of Petitioner's civil RIGHTS and the civil "LAW" pled.
7. The "Court" consisted of only Judge Goodwin and Skopil, for "denial" of fast expediting of the case; and/or, Pregerson and Ferguson, as Judges, for the "heavy" "Orders" of "denial".

The basis for Federal Jurisdiction in the U. S. District Court in the District of Hawaii, as the Court of the first instance for this case, arises from action, according to TITLE 28, U.S. CODE Chapter 85, Section 1343, and TITLE 42, U.S. CODE SERVICE, Chapter 21, Section 1983, 1985(2 & 3), and 1986, as pled.

This was the basis for FEDERAL JURISDICTION to GRANT JANICE CHING YEE REDRESS, with Monetary Relieft and Judicial Relief, for protection of Plaintiff Pro Se Janice Ching Yee's RIGHTS, injured by all Defendants' deprivation and violations of same Petitioner's Legal American, Constitutional, Civil RIGHTS, in particular AMENDMENT 1, 4, 5, 7, 8, 13, and 14, injured by the perpetrated "double jeopardy" also, by the involved Respondents Judiciary, in violation of the "LAW" pled, with probable cause against Hawaii State Government's legislative, administrative, and Judicial branches being also involved, and gaining unjust gains of money, and time, and equal opportunity and fair competition for Petitioner, so same JCY can run for office against the cruel, unconstitutional Rule 7(b)(5) instigators; for example.

VIII. ARGUMENT AND REASONS RELIED ON TO GRANT THIS PETITION

1. There was no Hearing or Trial in the U.S. District Court for the District of Hawaii, for case USDC(hi) #81–0148.
2. There was no Hearing in the U.S. Court of Appeals for the Ninth Circuit, or notification of the fact per RULE 3(a)(3) of the RULES FOR THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT. The USCA's four (4) involved Judges, especially Pregerson and Ferguson, perpetrated, perjured, prejudiced, harmful, reversible errors. The Court was informed and requested to consider Petitioner's APPEAL (as Plaintiff-Appellant Pro Se) as a "priority case" for Hearing, and also notified from the beginning, Petitioner JCY could attend the Hearing in San Francisco. The U.S.C.A. perpetrated the Hawaii's USDC's "orders" which ignored the FEDERAL QUESTIONs presented; wherefore the USDC(hi) deprived Petitioner's RIGHT of a Hearing, and ignored relevant questions against "Denial".
3. The lower USCA of the 9th Circuit "erred" in many areas of law for Petitioner's Legal RIGHTS, as pled. It rendered:
   A. "Decisions in conflict with the decisions of another Federal Court of Appeals on" similar "matter"; and according to all RULINGS in APPENDIX "B" of this PETITION; and including certifying and transmitting the RECORD ON APPEAL, if requested; without waiting; or honoring Appellant JCY's EMERGENCY MOTION if "discovered" all Appellees "defaulted" and didn't plead against the EMERGENCY MOTION, with acceptable SUPPLEMENTAL PLEADINGS, for consideration, instead of "ordered" "moot", unfairly, and unconstitutionally depriving violation of TITLE 28 and TITLE 42's sections pled, for Petitioner, not given credance of MOTIONS by Pro Se Janice Ching Yee, as Petitioner here. Judges Pregerson and Ferguson were unfairly biased, and deprived the substantive rights, of Appellant.
4. The USCA for the 9th Circuit ignored the default by

Dr. K. Y. Lum, Respondent; or, ignored the default by this U.S. Supreme Court, once giving the USCA the (now lost) opportunity to "Order" this Court to accept Petitioner's (other) 1980 JOINT PETITION, as pled. It is doubtful if any other Federal Court of Appeals would have declined the honor to better the Law if given the opportunity. This gives rise to This Court's JURISDICTION for "supervision", according to USSC RULES, RULE 17(a) and 17(c), wherefore the lower Appeals Court's "decision" "decided an important QUESTION OF FEDERAL LAW" (RE: RULE 18), "which has not been, but should be settled by this Court, or has decided a FEDERAL QUESTION in a way in conflict with applicable decisions of this Court", who "defaulted" and didn't plead against COMPLAINT and APPEAL with excuse for the presumption, for acceptance of Petitioner JCY's 1980 JOINT PETITION, as fileable, for inclusion for fast determination by this Court.

Petitioner prays for change of venue of case HSC #7355, the Respondents included in this EXTRAORDINARY WRIT, and leaving the divorce case alone in the 1980 (JOINT) PETITION.

Petitioner prays for ORDER from this Court, according to TITLE 28, U.S.CODE Chapter 89, Section 1441, if possible.

5. Wherefore, the "decisions" by the Appeals Court ((and the lower District Court (U.S.) for Hawaii)) "has so far departed from the accepted and usual course of judicial proceedings", and "so far sanctioned such a departure by a lower Court, as to call for an exercise of this Court's power of supervision", with Petitioner's EXTRAORDINARY WRIT OF CERTIORARI. Wherefore, the lower Appeals Court condoned and perpetrated depriving violations of the PRINCIPLE of American Constitutional Civil LAW, that gives Petitioner JCY (and every American) the RIGHT for "hearing" and "Fair Trial", as established RIGHTS, not supposed to be stunted by the Sixth Amendment, biased only for "speedy trials" for De-

fendants, who were obviously "guilty", aided by Judicial "denials" of RIGHTS, and/or "DUE PROCESS OF LAW" for Petitioner JCY.

6. The Decisions (Orders) were neglectful, malevolent disinterested in the invalid status of Rule 7(b)(5) of HAWAII FAMILY COURT RULES, and its "repugnance" to the U.S. CONSTITUTION (and HAWAII STATE CONSTITUTION) (AMENDMENT 1, 4, 5, and 14, in particular as pled. Wherefore, the Hawaii Family Court's conflict is evident, by their continuous deprivation and malicious, abusive violations of Petitioner's RIGHTS for FREEDOM, with collection of Petitioner's money and good, fair, equitable financial settlement for divorce. The HFC's continued "denials" deprive Petitioner from attending the Trial Lawyers' conference in 1978, or College of Advocacy in 1978; the Beef Cookout in Arizona, as only entrant from Hawaii; the Chinese Christian Confab in Washington, D.C., with possible side trip with religious group to Israel and Palestine; the China Exhibit of American published books in 6 cities in China, with the honor of being the only publisher from Hawaii, with books from Petitioner's private ownership Pi Press, Inc. (Petitioner President+Treasurer) included; AND; the many cruises available for even once a year vacations, so Petitioner can combine business with pleasure and rest, and write poetry of many countries. Wherefore, after "denial" of money to the Trial Lawyers' conference in Maui, it was discovered Respondent AAY spent the money he "didn't have" on a month's trip to China for his new wife and Mother. The instigated wrong was in Hawaii Family Court, condoned by Respondent Harold Shintaku, who was wrong, and instigated the perpetration of the intrinsic fraud entrapment, causing cruel deprivations and violations, causing the conspired resultant "gross cheat and swindle" of Petitioner's funds, for interest earned, instead of forced loan to Respondent AAY, earning the unjust gains of Petitioner's money and use of Petitioner's money; deprived of gain, anywhere Petitioner tries to

earn: injured by the Respondents' conspired deprivations and violations, ending in the conspired results, even if there is no actual spoken conspiracy for the unamerican oppressive, cruel restraint of Petitioner, who prays for REDRESS and FREEDOM.

7. Respondent Kawakami cruelly imposed "conflicted" costs for Respondent Hogan (EA, p. 265, EXH. No. 26), Respondent Harold Nickelsen (EA, p. 276, EXH. 30), and Respondent Koshiba and the HSBA (EA, p. 284, EXH. 32); which illegality was Appealed to the Hawaii Supreme Court, who then threatened imposing costs, upon "denial" of Appeal, if assertion of RIGHTS are continued by Petitioner, now injured by their effective hidden Contributory Respondents extracting costs by various methods, including "restraint of trade", and obvious methods of rejection and denials of "due process of Law", including the illegal legislated Rule 7(b)(5), introduced in 1976, effected in Hawaii Family Court in 1977. Respondent Chief Justice Richardson appointed Respondent Nicelsen as head Bar Examiner, and Respondent Koshiba, as assisstant Bar Examiner in 1979. Therefore, Petitioner "MOTION"ed for Recusal of Respondent Richardson, on February 14, 1979, wherefore Respondent Richardson singularly, on Feb. 16, 1979, "order" "denial" of Petitioner's MOTION FOR ADVANCEMENT ON THE CALENDAR for case HSC#7067.
8. Respondent Nickelsen and Respondent Koshba and the HSBA are being defended by the law firm of Cades, Schutte, Fleming, and Wright, whereof Attorney Russell Cades is an original Disciplinary Commission member who appointed Respondent Dan Heely, being defended by the State's attorneys, and Cades's firm: and wherefore Respondent Heely is now appointed Judge in Respondent Vitousek's Hawaii Family Court; thereby all showing evident conspiracy.
9. Respondent Kokernak was the tool, by refusing to move after being fired 10 times, for Respondent AAY's coercion for divorce, and the resultant "false imprisonment"; all because of Respondent AAY's

jealousy of Petitioner JCY, once his wife. The Courts should have believed Petitioner, instead of contributing to Respondent AAY's bad intent, aided by Respondent Kokernak, who was told she was causing dissention, but refused to move until the divorce was effected; wherefore Respondent Kokernak initially helped cause the actual loss of more than $1 million for Petitioner, as pled. (APP. "A" of OPENING BRIEF), Potential loss amounts to over $20 million. Petitioner JCY received a letter from Respondent Kokernak recently (APP. F–3 of this PETITION) wherefore Respondent Stephanie Kokernak waived her defense, by not intending to defend or plead. Respondent Kokernak was conspired for AAY.

10. Respondent Ariyoshi needed a new Justice for the new Intermediary Court of Hawaii. Out of all the possible qualified older, knowledgeable Judges available for the position; the Respondent Governor Ariyoshi appointed Respondent James Burns who was so prejudicedly extortive, flaunting the Rule 7(b)(5) to show what they in power could do against one woman JCY alone. Petitioner sent notice to Respondent Governor, he should withdraw his nomination, but he sided for Respondent James Burns and his deprivation and violation of civil RIGHTS. Respondent Ariyoshi and Respondent Burns are both catholic; which should not deprive episcopalian Petitioner of RIGHTS. Respondent Burns' father, once Governor Jack Burns' choice of Ariyoshi, the Respondent as Lieut. Governor, was probably contributory, eminating in the resultant conspired deprivation and violation of Petitioner's RIGHTS, reputation and money.
11. Not even one of the Respondents actually defended the many charges and counts against them as Defendants, or Appellees, according to Rule 8(b) of FRCP, and were insufficient in defense. They actually deceptively skirted behind "denials" of other cases, wherefore such deception seems to have fooled or deceived the Judge Walter Heen, or he was in conflict; and/or Judges Pregerson and Feruson were in conflict

or also deceived. For, the case Page v. U.S. didn't really apply to Petitioner's case with real merits for pertinent subject matter, and RIGHTS for REDRESS, according to TITLE 28's Section 1343, and TITLE 42's Sections 1983, 1985 (2 & 3), and Section 1986.

12. Petitioner Pro Se Janice Ching Yee's COMPLAINT, and APPEAL (OPENING BRIEF) are concise enough, and comprehensible, as pled.
13. All of PETITIONER'S QUESTIONS HAVE NOT BEEN ANSWERED YET.

A. In the U. S. District Court of Hawaii, in Judge Heen's Court, was filed, on May 28, 1981:
"Third Amendment Re: Correction of Inadvertance and Facts Relating to All Defendants; for Plaintiff's "Motion to Strike Defendant's Motion to Strike, etc.; Motion for Jury Trial; and Motion for Summary Judgment for Plaintiff Pro Se" "
page 5.
The QUESTION:

"Why so much restraint and deprivation of American Legal Constitutional RIGHTS for Plaintiff Pro Se Janice Ching Yee, as a very capable, good, American-born woman of pure Chinese heritage and ancestry?"

B. In the U. S. District Court, was filed on June 9 1982:
"A. Motion for New Trial, and Relief from Judgment or Order; B. Motion for Recusal of Judge Walter Heen for Prejudice, and for Joinder of Walter Heen as Ex-U.S. District Attorney, as Contributory Defendant; and; Re-Motion for Summary Judgment for Plaintiff Pro Se JCY"
The QUESTION:

a) "same QUESTION above".

b) "Why the malicious abuse of Judicial process by Hawaii's involved judiciary? and; Why the "Personal" abuse in plaintiff's case?"

c) "Why so much personal restraint of plaintiff, as good woman?"

C. In the U.S. Court of Appeals for the Ninth Circuit, on August 6, 1981 was filed: (p. 6 to 8) "OPEN-

ING BRIEF OF PLAINTIFF-APPELLANT PRO SE"
The QUESTIONS:

1. "Can the trial court order "dismissal and denial" without a hearing, even for the pre-trial; knowing it would perpetrate damages incurred by:

a. The appellees' unconstitutional "bad faith" violations of appellant's "rights"?

b. The fraudulently concealed judicial "bad faith" "malpractice" for "intrinsic fraud" for harm of appellant and "rights" against "illegal" "unstated" "protective orders" for judiciary "self interest"?

c. The perpetration of the "cruel and unusual" "intrinsic fraud" as punishment of good woman JCY, who didn't commit crime/sin?

d. Revealed concealment of Hawaii State Gov't. members' involvement being aided by judicial gov't. members' involvement for political assassination of appelant's good character, reputation, and name, hurt by their involved "false arrest" by intrinsic fraud, for coercion of non-assertion of appellant's rights for fast redress, against the racial and sexual "bad faith" prejudiced discrimination, depriving the full use of established "rights"; as "equal opportunity, fair competition, and free enterprise for appellant JCY too?

e. Denial of early precedent for redress and recovery, and equal rights for appellant JCY?

f. Malevolent disinterest in appellant, and the "RIGHTS" of appellant, or the public danger being precedented?

g. "Illegal judicial threats and/or imposition of costs, for compounded deprivation and hurt of victim, plaintiff here as serious appellant Pro Se, also serious as plaintiff?

h. "Double Jeopardy" of appellant, not the appellees, in a "pre-trial" fraudulently using "double jeopardy" and "res judicata" as deceptive void defense?

i. "Uncompassionately swaying the judge's already prejudiced decision by "unfair" irrelevant, insufficient, unrelated even by law, examples, as defenses?

j. "Denial" of appellant's "RIGHTS" for redress in a civil court instead of making a criminal case of "intrinsic fraud" and "felony"; which hurt appellant's good intent?

2. Can this U.S. Court of Appeals order the Supreme Court of the United States (with apologies for presumption) to accept JCY's "Joint Petition for Writ of Certiorari" (to Hawaii Supreme Court) with "removal" of pending case HSC#7355 in Hawaii Supreme Court to the U. S. Court of Appeals here, not having the chance to request it of the U.S. District Court of Hawaii, which "cancelled" two hearings?

3. Can this U.S. Court of Appeals review and determine this case and order redress for Plaintiff Appellant Pro Se JCY for damages incurred by all defendants appellees, including Judge Walter Heen, by Joinder (EA p. 432-454); and can this Court order reversal of Judge Heen's Order, and order redress for Appellant, according to all Statutes in APP. "C" (with exclusion of Rule 7(b)(5) from Hawaii Family Court Rules) and all rulings in APP. "B" and Title 28's Chapter 1343, and Title 42's Chapter 1983, 1985, 1986, as pertinent?"

14. The lower U.S. District Court's cruel "Orders" are also appended as APP. A–2(6) and APP. A–2(7). These Orders were noted on page 12, #7 of the Opening Brief, and page 14, #10. The "Orders" were noted again in the ARGUMENTS: CONTENTIONS, etc. on page 34(b & c), even if not noted as an ISSUE, not specifically required.

IX. CONCLUSION

Petitioner prays for this Court's discretion to GRANT Petitioners PETITION FOR EXTRAORDINARY WRIT OF CERTIORARI to the United States Court of Appeals for the Ninth Circuit.

Petitioner prays for the Court to consider the fact:

The Respondents, including the involved Judiciary forgot that Petitioner Pro Se Janice Ching Yee pled "Pro Se", as privilege accorded by HAWAII REVISED STATUTES, Chap-

ter 605–2, affirmed by the UNITED STATES CONSTITUTION's Article Four, for use in any American Court.

Petitioner should be accorded the privilege, and not be penalized for not being an attorney, or not having an attorney, or not having enjoyed Law School training yet; and/or, should not be deprived by violations of the CONSTITUTION's FIRST and FOURTEENTH AMENDMENT, for Petitioner (Complainant, Appellant) Pro Se, as one class of American citizen, with merit for REDRESS, and special consideration if our pleas have real merit for claims pled.

The unfair stated and insinuated "false accusation" of "abuse of judicial process' which was the fault of the involved judiciary, was not Petitioner, who has real probable cause and justification for COMPLAINT and APPEAL for REDRESS. Petitioner has not been REDRESSed yet against the cruel, perjured, libelled, slandered, instigated and perpetrated, extortively coerced intrinsic fraud injury and entrapment, effected by Judicial frivolity malicious abuse, assassinatory, depriving violations of Petitioner Pro Se Janice Ching Yee's Legal American Constituional, civil RIGHTS, with protection by TITLE 28, Chapter 85, section 1343, and TITLE 42, Chapter 21, sections 1983, 1985 (2 & 3), and 1986.

The SUPREME COURT OF THE UNITED STATES can REDRESS PETITIONER PRO SE JANICE CHING YEE, by ORDER from its Court, for same woman who never perjured intentionally; wherefore adequate RELIEF cannot be had in any other form than as pled, and/or from any other Court for fast REDRESS of this Petitioner, as pled and demanded.

Also, damages incurred by all Respondents are included in Appendix "A" of the OPENING BRIEF wherefore the actual loss of one million, thirty three thousand, seven hundred five dollars and ninety cents ($1,033,705.90) was true by August 6, 1981 filing date of Petitioner's OPENING BRIEF. May this Court please consider this, in its pertinence for REDRESS for Petitioner.

This Court could also consider the fact, that the U.S. SUPREME COURT RULES' Rule 18 should include its use for "immediate settlement" of pending cases with WRIT OF CERTIORARI to State Courts of last resort, and thereby giving "EQUAL PROTECTION" for all Americans in any Court of the

United States, Federal or State.

In addition, the U.S. Supreme Court can ORDER REDRESS FOR PETITIONER PRO SE JANICE CHING YEE, against the inequities being instigated and perpetrated by the Respondents armed by the Sixth Amendment's unfair exclusion of the Plaintiff for "Equal Rights" for secure "equal protection" of the Law, and AMENDMENT ONE, FOUR, FIVE, and FOURTEEN, and include the word "Plaintiff" in Amendment Six of the UNITED STATES CONSTITUTION, for specified "equal protection" of all parties in the Courts of America.

Petitioner prays for this Court to consider all RECORD ON APPEAL for this case, and this PETITION with inclusion of all APPENDICES for proper consideration and determination of this case, with probable cause for REDRESS for Petitioner. as pled, with good intent for timeliness, as noted and certified on p. 23 of the APPENDICES, APP. "A–2(5)".

Same Petitioner prays for SUMMARY JUDGMENT, with prayers for most REDRESS for this Petitioner, and if this Court deems it equitable and just, for Petitioner, who has suffered over eight (8) years of judicially instigated depriving violations of American civil RIGHTS, for Petitioner, as class of minority of pure Punti Chinese Americanborn, independent Republican, Episcopal woman, or similar quality class of good woman, who never committed crime and sin, as premarital sex and abortion, and/or similar to Jillson (v. Caprio), or Doris Day (v. Rosenthal) case(s), even though on dissimilar, but relevant grounds, in a slightly different class.

Petitioner Pro Se prays for this CONCLUSION.

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee, Petitioner Pro Se
at: 3169 Alika Avenue, Honolulu, HI 96817
ph: 808– 595-3426
Dated. this Jan. 29, 1982* nunc pro tunc Jan. 11, 1982

* According to USSCR, Rule 28.2 and Rule 33.7.

* with additions and excuseable corrections on pages: Cover, 3, 10, 15, 29 and according to FRCP, Rule 60(b)(1).

No. 81_____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1981

JANICE CHING YEE PETITIONER PRO SE, vs. HAROLD SHINTAKU, et al, * RESPONDENTS. *as titled on cover	)	USCA No. 81-4326 NINTH CIRCUIT USDC(Hi) No. 81-0148 HAWAII

AFFIDAVIT OF PETITIONER PRO SE

AFFIANT, as Petitioner Pro Se Janice Ching Yee here; and as Plaintiff-Appellant Pro Se in the United States Court of Appeals for the Ninth Circuit; is the person who executed the foregoing instrument, and resides at 3169 Alika Avenue, Honolulu, Hawaii, 96817.

I do solemnly swear that I will conduct myself uprightly and according to Law, and that I will support the CONSTITUTION OF THE UNITED STATES.

I have read the same and know the contents thereof, where same AFFIANT JANICE CHING YEE, never intends frivolity, delay, or perjury.

The matters stated therein are true to my knowledge, except such matters as are stated to be upon information and belief, and as to those matters, I believe them to be true.

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee
Affiant, Petitioner Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii, 96817

Subscribed and sworn to,
this 8 th day of January, 1982.
/s/ Anthony C. Ornellas
Notary Public, First Judicial Circuit
State of Hawaii
My commission expires: 2/13&84

CERTIFICATE OF SERVICE

I hereby certify that a copy of Petitioner's "PETITION FOR EXTRAORDINARY WRIT(S) OF CERTIORARI AND/OR MANDAMUS", etc. will be served on Respondents' last known addresses or Attorney's offices; for this day of January 11, 1982, to:

Attorney General Tany Hong and Deputy John Campbell; of Hawaii for Respondens related to Hawaii State Government
at: Hawaii State Capitol, 415 South Beretania Street
Honolulu, Hawaii, 96813 ph: 808–548-4740

Attorney Albert Gould for Respondent Dr. Kwong Yen Lum
at: Suite 502, of 820 Mililani Street
Honolulu, Hawaii, 96813 ph: 808–537-1935

Attorney Wm. Fleming & Thos. Crowley, of Cades, Schutte, Fleming, and Wright; for Respondents:
Robert G. Hogan; Harold Nickelsen; James E. Koshiba, and the Hawaii State Bar Association; and Dan Heely
at: Suite 1500, Bishop Trust Bldg., 1000 Bishop Street
Honolulu, Hawaii, 96813 ph: 808–521-9200

Attorney Edward Y.C.Chun, of Chun, Kerr, & Dodd for Respondents Alfred A. Yee, and Alfred A. Yee & Associates
at: Suite 1408, of Amfac Bldg., 700 Bishop Street
Honolulu, Hawaii, 96813 ph: 808–531-6575

Attorney John Parks, Respondent for self
at: Suite 1640, of 190 South King Street
Honolulu, Hawaii, 96813 ph: 808–524-2133

Attorney Max N. Garcia for Respondent Robert A. Franklin
at: Suite 990, of 190 South King Street
Honolulu, Hawaii, 96813 ph: 808–523-7702

Attorney Wm. McCorriston, of Goodsill, Anderson, & Quinn for Respondents Edward Y. C. Chun, et al
at: Suite 1600, of Castle & Cooke Bldg., Financial Plaza
Honolulu, Hawaii, 96813 ph: 808–547-5600

Ms. Stephanie Kokernak, Respondent Pro Se
c/o Landlady Pang or Nancy Flowers
at: 1825 Dole Street, last known address.
(FRCP, Rule 5(b))
Honolulu, Hawaii, 96822 ph: none

Hon. U. S. Attorney General William French Smith
for Respondent U. S. Supreme Court
at: The Department of Justice
Washington, D.C., 20350 ph: 202–633-2000

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee, Petitioner Pro Se
at: 3769 Alika Avenue
Honolulu, Hawaii, 96817 ph: 808–595-3426

Appendix

APPENDICES

1.	APPENDIX "A–1(1 to 5)"	OPINIONS, ORDERS, AND JUDGMENTS BELOW SOUGHT TO BE REVIEWED
2.	APPENDIX "A–2(1 to 7)"	OTHER OPINIONS, ORDERS, AND JUDGMENTS§ BELOW OF RELEVANT PERTINENCE, FOR CASE WITHOUT TRIAL YET
3.	APPENDIX "B"	ADDITIONAL NEW RULINGS RELIED ON
4.	APPENDIX "C"	ADDITIONAL LAW, & LAW OF PERTINENCE
5.	APPENDIX "D"	SUPPLEMENTAL FACTS FOR HISTORY OF THIS CASE
6.	APPENDIX "E"	UNOFFICIAL RECORD OF SEQUENCE OF ACTION, in case USCA#81-4326
7.	APPENDIX "F (1–2)"	MISCELLANEOUS MATTER OF PERTINENCE

§in addition to those appended in EXCERPTS APPENDIX of case USCA#81–4326; with prayers for ORDER for the RECORD ON APPEAL to be sent to This Court.

APPENDIX "A–1"

OPINIONS, ORDERS, AND JUDGMENTS BELOW SOUGHT TO BE REVIEWED

(1)	NOVEMBER 27, 1981	"ORDER", JUDGMENT, AND MANDATE filed in U. S. COURT OF APPEALS for the NINTH CIRCUIT
(2)	OCTOBER 15, 1981	"ORDER" filed in U. S. COURT OF APPEALS for the NINTH CIRCUIT
(3)	SEPTEMBER 24, 1981	"ORDER" filed in the U. S. COURT OF APPEALS for the NINTH CIRCUIT
(4)	SEPTEMBER 9, 1981	"ORDER" filed in U.S. COURT OF APPEALS for the NINTH CIRCUIT
(5)	DECEMBER 16, 1981	NOTICE OF APPEAL, filed in U.S. COURT OF APPEALS for the NINTH CIRCUIT

FILED
Nov. 27, 1981
Clerk, U.S. Court of Appeals

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff–Appellant, vs. HAROLD SHINTAKU, Judge, et al Defendants and Contributory Defendants by Joinder, BETTY VITOUSEK, Judge, et al.; KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-Judge, et al.; EDWARD Y.C.CHUN, et al., Attorneys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist; and GERRY NAGAHISA, Social Worker, et al., Defendants–Appellees.	)	No. 81–4326 DC# CV–81–0148 WMH Hawaii ORDER

Before: Pregerson and Ferguson, Circuit Judges.

The court issues the following order;

(a) appellant's petition for reconsideration of the court's October 15, 1981 order denying her petition for reconsideration of the summary affirmance order entered on September 24, 1981 is denied; and

(b) appellant's supplemental pleadings, construed as a motion for reinstatement of the appeal, is denied; and

(c) the time under Fed. R. App. P. 41(a) is hereby shortened, and the clerk is instructed to issue the mandate forthwith.

McCal 9/21/81

APPENDIX "A–1(1)"

FILED
OCT 15 1981
Clerk, U.S. Court of Appeals

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff–Appellant, vs. HAROLD SHINTAKU, JUDGE, et al., Defendant and Contributory Defendants by Joinder, BETTY VITOUSEK, JUDGE, et al.; KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-Judge, et al.; EDWARD Y. C. CHUN, et al., Attorneys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist, and GERRY NAGAHISA, Social Worker, et al., Defendants–Appellees.	)	No. 81–4326 DC# CV–81–0148 WMH Hawaii ORDER

Before: PREGERSON and FERGUSON, Circuit Judges.

Appellant's petition for reconsideration of the court's September 24, 1981 order summarily affirming the district court's judgment in this case is denied.

Appellant's motion to amend and supplement pleadings for the emergency motion is denied as moot.

MoCal 9/21/81

APPENDIX "A–1(2)"

FILED
SEP 24 1981
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff–Appellant, vs. HAROLD SHINTAKU, Judge, et al., Defendant and Contributory Defendants by Joinder, BETTY VITOUSEK, Judge, et al.; KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, Retired Judge, et al., EDWARD Y. C. CHUN, et al., Attorneys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Court Psychiatrist; GERRY NAGAHISA, Social Worker, et al., Defendants–Appellees	)	No. 81–4326 DC# CV–81–0148–WMH Hawaii ORDER

Before: PREGERSON and FERGUSON, Circuit Judges.

Appellees' motion to dismiss appeal or to affirm, or in the alternative, to strike appellant's opening brief is granted, and the district court's judgment dismissing the complaint and action with prejudice is summarily affirmed. See Page v. United States, 356 F. 2d 337 (9th Cir. 1966)

All other pending motions filed in this appeal are denied as moot.

APPENDIX "A–1(3)"

FILED
SEP 9 1981
RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff–Appellant, vs. HAROLD SHINTAKU, JUDGE, et al., Defendant and Contributory Defendants by Joinder, BETTY VITOUSEK, JUDGE, et al.; KWON YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-Judge, et al; EDWARD Y. C. CHUN, et al., Attorneys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist, and GERRY NAGAHISA, Social Worker, et al., Defendants–Appellees	)	No. 81–4326 DC# CV–81–0148 WMH Hawaii ORDER

Before: GOODWIN and SKOPIL, Circuit Judges.

Upon due consideration, Yee's motion to expedite is denied. The clerk shall calendar this appeal in the normal course.

MoCal 8/24/81

APPENDIX "A-1(4)"

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 81-4326

JANICE CHING YEE,) USDC Civ. No. 81-0148

) HAWAII **RECEIVED**

PLAINTIFF-APPELLANT PRO SE,

CLERK, U.S. COURT OF APPEALS

vs.

DEC 16 1981

HAROLD SHINTAKU, JUDGE, et al**;

FILED _____

DOCKETED 12/16/81
DATE INITIAL

DEFENDANTS-APPELLEES,
And, JOINDER, as
CONTRIBUTORY:

BETTY VITOUSEK, JUDGE, et al*; DR. KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, Retired JUDGE, et al**; EDWARD Y.C. CHUN, et al, Attorneys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Court Psychiatrist, AND, GERRY NAGAHISA, Social Worker, et al*; HAROLD NICKELSEN, Attorney; JAMES E. KOSHIBA, Ex-Chairman of ETHICS COMMISSION OF HAWAII STATE BAR ASSOCIATION, AND, HAWAII STATE BAR ASSOCIATION; JUNG LOWE, Ex-DISCIPLINARY COUNSEL, AND/OR, HAWAII SUPREME COURT, et al***; ROBERT A. FRANKLIN, Attorney; STEPHANIE KOKERNAK; ALFRED A. YEE, &/OR, ALFRED A. YEE & ASSOCIATES, Inc.; WILLIAM RICHARDSON, HAWAII CHIEF JUSTICE; BERT KOBAYASHI (Retired), BENJAMIN MENOR, THOMAS OGATA, JUSTICES, AND, ROBERT W. D. CHANG, Substitute JUSTICE; all &/OR, HAWAII SUPREME COURT, et al***; ARTHUR FONG, JUDGE, et al**;

*Hawaii Family Court***.
Hawaii Circuit Court*.
***Hawaii State Government.

*with all previous Affidavits as pertinent, and applicable.
**correction/update, according to *FRCP, RULE 60(b)*.

APPENDIX "A-1(5)"

JAMES BURNS, Ex-JUDGE OF HAWAII FAMILY COURT, et al*; GEORGE ARIYOSHI, GOVERNOR, et al***; BARRY RUBIN, Ex-JUDGE, et al*; DAN HEELY, Ex-DISCIPLINARY COUNSEL (from Nov. 1981),* &/OR HAWAII SUPREME COURT, et al***; JUDICIAL QUALIFICATIONS COMMISSION: ROBERT STEVENSON, MITSUYUKI KIDO, REV. CHARLES CRANE, CLIFFORD MELIM, AND (EXEMPT DECEASED WILSON CANNON) et al***; DONALD TSUKIYAMA, JUDGE, et al*; SUPREME COURT OF THE UNITED STATES: WALTER HEEN, Ex-U.S. DISTRICT ATTORNEY, AND/OR, HAWAII SUPREME COURT, et al***;

DEFENDANTS-APPELLEES.

APPEAL FROM BOTH ORDERS PERPETRATING UNAMERICAN CONSTITUTIONAL INTRINSIC FRAUD BY JUDICIAL FRIVOLITY FROM THE U.S. DISTRICT COURT FOR THE DISTIRCT OF HAWAII

NOTICE* OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES FROM FINAL AND PREVIOUS JUDGMENTS OF THE U.S. COURT OF APPEALS DESIGNATION OF RECORD ON APPEAL CERTIFICATE OF SERVICE

Mrs. Janice Ching Yee, Plaintiff-Appellant Pro Se
at: 3169 Alika Avenue, Hon. Hi. 96817. ph: 808-5953426

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, PLAINTIFF–APPELLANT PRO SE, vs HAROLD SHINTAKU, JUDGE, et al, DEFENDANTS–APPELLEES.+ +as titled on cover.	No. 81–4326 USDC Civ. No. 81–0148 HAWAII APPEAL FROM BOTH ORDERS PERPETRATING UNAMERICAN, UNCONSTITUTIONAL, INTRINSIC FRAUD BY JUDICIAL FRIVOLITY FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF HAWAII HON. JUDGE WALTER HEEN

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES FROM FINAL AND PREVIOUS JUDGMENTS OF THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

NOTICE IS HEREBY GIVEN that Janice Ching Yee, Plaintiff-Appellant Pro Se, above named, hereby Appeals to the Supreme Court of the United States; from the Final "Order and/or Judgment"

1. filed November 27, 1981, in the U.S. COURT OF APPEALS. Other "Orders and/or Judgments" included for "review" and "consideration" by this Appeal; were:
2. filed September 9, 1981,
3. filed September 24, 1981, and
4. filed October 15, 1981, in the U.S. COURT OF APPEALS (9th Cir.)

Appellant's APPEAL, titled "Petition for Writ of Certiorari to the United States Court of Appeals"; arises from action, ac-

cording to: 1. TITLE 28 U.S. CODE, (JUDICIARY AND JUDICIAL PROCEDURE) Chapter 81, Sec. 1254(1,2,3), and Chapter 133, Sec. 2101(b & C);

2. TITLE 42, U.S. CODE SERVICE, Chapter 1983, 1985(2 & 3), and Chapter 1986; with specificity of Chapters to follow.

/s/ Mrs. Janice Ching Yee

Mrs. Janice Ching Yee
Plaintiff–Appellant Pro Se
at: 3169 Alika Ave. Hon, HI 96817

Dated,
Dec. 14, 1981

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, PLAINTIFF–APPELLANT PRO SE, vs. HAROLD SHINTAKU, JUDGE, et al, DEFENDANTS–APPELLEES.+ +as titled on cover.	No. 81–4326 USDC Civ. No.81-0148 HAWAII APPEAL FROM BOTH ORDERS PERPETRATING UNAMERICAN, UNCONSTITUTIONAL, INTRINSIC FRAUD BY JUDICIAL FRIVOLITY FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF HAWAII HON. JUDGE WALTER HEEN

DESIGNATION OF RECORD ON APPEAL FROM THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

Plaintiff–Appellant Pro Se Janice Ching Yee, hereby designates as the "Record on Appeal", all of the Court Records for case USCA#81–4326, including all of the Court Records for its original Complaint in the United States District Court for the District of Hawaii; case USDC#81–0148. There were no transcripts because the Court "dismissal" was filed, without Hearing. Trial by Jury, or Hearing date, filing, and Hearing of "Motion for Relief from Judgment".

s/s Mrs. Janice Ching Yee

Mrs. Janice Ching Yee
Plaintiff–Appellant Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii, 96817

Dated, this December 14, 1981.

CERTIFICATE OF SERVICE

I hereby certify that a copy of Appellant's NOTICE OF APPEAL and DESIGNATION OF RECORD ON APPEAL, will served on Defendants-Appellees' last known addresses or Attorney's offices; for 12/14/81, to:

Attorney General Tany Hong and Deputy John Campbell; of Hawaii for Defendants-Appellees related to Hawaii State Government at:

Hawaii State Capitol, 415 S. Beretania Street
Honolulu, Hawaii ph: 808-5484740

Attorney Albert Gould
for Defendant-Appellee Dr. Kwong Yen Lum at:

Suite 502, of 820 Mililani Street
Honolulu, Hawaii, 96813 ph: 808-5371935

Attorney Wm. Fleming & Thomas Crowley of Cades, Schutte, Fleming, & Wright; for Defendants-Appellees: Robert G. Hogan; Harold Nickelsen; James E. Koshiba, & the Hawaii State Bar Association; and Dan Heely at:

Suite 1500, Bishop Trust Bldg., 1000 Bishop Street
Honolulu, Hawaii 96813 ph: 808-5219200

Attorney Edward Y.C. Chun, of Chun, Kerr, & Dodd for Defendants-Appellees AAYee, and Alfred A. Yee & Associates at:

Suite 1408, of Amfac Bldg., 700 Bishop Street
Honolulu, Hawaii, 96813 ph: 808-5316575

Attorney John Parks, Defendant-Appellee, for self at:

Suite 1640, of 190 S. King Street
Honolulu, Hawaii, 96813 ph: 808-5242133

Attorney Max Nakata Garcia for Defendant-Appellee Robert A. Franklin at:

Suite 990, of 190 S. King Street
Honolulu, Hawaii, 96813 ph: 808-5237702

Attorney Wm. McCorriston, of Goodsill, Anderson, & Quinn for Defendants-Appellees Edward Y.C. Chun, et al at:

Suite 1600, of Castle & Cooke Bldg., Financial Plaza
Honolulu, Hawaii, 96813 ph: 808-5475600

Ms. Stephanie Kokernak, Defendant-Appellee Pro Se c/o Nancy Flowers at:

1825 Dole Street, last known address. (*FRCP, Rule 5(b)*)
Honolulu, Hawaii, 96822 no phone

U.S. Attorney General William French Smith for Defendants-Appellees U.S. Supreme Court at:

the Department of Justice
Washington, D.C., 20350 ph: 202-633200

/s/ MRS. JANICE CHING YEE

Mrs. Janice Ching Yee, Plaintiff-Appellant Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii, 96817 ph: 808-5953426

APPENDIX "A–2"

OTHER OPINIONS, ORDERS, AND JUDGMENTS BELOW OF RELEVANT PERTINENCE

(1) EXHIBIT (NOTE) "A" found on p. 246 of EXCERPTS APPENDIX

(2) EXHIBIT (NOTE) "B" found on p. 247 of EXCERPTS APPENDIX

(3) LETTER FROM SUPREME COURT OF THE U.S.; and OFFICE OF THE CLERK, "Denying" filing of 1980 JOINT PETITION; found appended as APP. "G" in OPENING BRIEF OF USCA#81–4326

(4) ORDER OF PERMISSION FROM JUDGE WILLIAM C. CANBY, found appended as APP. "E" in OPENING BRIEF of USCA#81–4326

(5) STATEMENT OF PERMISSION GIVEN PETITIONER PRO SE JCY for This PETITION's form and type (now not applicable except for proof of timeliness)

(6) ORDER BY JUDGE WALTER HEEN. Case USDC(Hi) #81–0148. 6/5&81.

(7) ORDER BY JUDGE WALTER HEEN. Case USDC(HI) #81–0148. 6/16/81.

PROMISSORY NOTE

$105,000.00 HONOLULU, HAWAII
July 5, 1975

In accordance with the Sixth Supplemental Decision and Order entered on April 4, 1975, as amended by the Eleventh and Twelfth Supplemental Decisions and Orders in proceedings of the Family Court of the State of Hawaii designated FC-D No. 81258, the undersigned hereby promises to pay to JANICE CHING YEE the principal sum of ONE HUNDRED FIVE THOUSAND AND NO/100 DOLLARS ($105,000.00), payable without interest in monthly installments of THREE HUNDRED FIFTY AND NO/100 DOLLARS ($350.00) each, commencing first on July 5, 1975 and continuing on or before the fifth day of each and every month thereafter until fully paid.

In the event of default of any installment, interest at the rate of twelve per cent (12%) per annum shall accrue on the installment in arrears.

This note is subject to acceleration in accordance with provisions of paragraph I(A)(2)(a) and paragraph I(A)(2)(c) of said Sixth Supplemental Decision and Order, providing as follows:

> "If at any time [JANICE CHING YEE] shall require supplemental income to cover insured hospitalization, medical and psychiatric costs and expenses reasonably required to provide for her health and well being, [she], or some proper person on her behalf, may apply to [the Family Court of the First Circuit of the State of Hawaii] for entry of its Order increasing the amount of monthly installments.
>
> "In the event [the maker] shall predecease [JANICE CHING YEE] [the maker's] estate shall be obligated for the payment of the remaining balance of said $105,000.00."

In the event of default in the payment of any installment at the time when due, and in case steps are taken whether by suit or otherwise to collect any installment in arrears, the undersigned further promises to pay all reasonable costs and expenses incurred,

including a reasonable attorney's fee.

The privilege is reserved to the maker to prepay the whole or any part of the principal from time to time outstanding without penalty.

/s/ ALFRED A. YEE

ALFRED A. YEE

PROMISSORY NOTE

$110,000.00 HONOLULU, HAWAII
July 1, 1975

In accordance with the Sixth Supplemental Decision and Order entered on April 4, 1975, as amended by the Eleventh and Twelfth Supplemental Decisions and Orders in proceedings of the Family Court of the State of Hawaii designated FC-D No. 81258, the undersigned hereby promises to pay to JANICE CHING YEE the principal sum of ONE HUNDRED TEN THOUSAND AND NO/100 DOLLARS ($110,000.00), together with interest at the rate of five per cent (5%), per annum computed on the unpaid principal balance remaining unpaid from time to time from and after July 1, 1975 until January 31, 1981, and thereafter at a rate of interest equal to one percentage point above the prime rate of interest from time to time established by the Bank of Hawaii, not exceeding, however, ten percent (10%) per annum.

Principal and interest shall be due and payable as follows:

PRINCIPAL. Principal shall be payable on the date that the undersigned or his designee shall be entitled to distributions of all of the undersigned's vested rights in the Alfred A. Yee & Associates, Inc. Profit Sharing Trust; provided that if only a portion of the undersigned's rights in said Profit Sharing Trust shall be payable, then such portion shall be fully applied to the payment of principal hereunder; provided, further, that if principal shall not be fully paid by January 31, 1981, then and in such event the then remaining principal shall be paid in one hundred (100) equal monthly installments commencfirst on February 1, 1981. The whole or any part of the principal may be prepaid without penalty.

INTEREST. Interest shall be payable in monthly installments in arrears, commencing first on August 1, 1975 for and on account of interest accruing from the period July 1, 1975 to July 31, 1975, and continuing on the first day of each and every month thereafter until the principal shall be fully paid.

In the event of default in the payment of principal when due, or of any installment of interest when due, and in case steps are

taken, whether by suit or otherwise, to collect any installment in arrears, the undersigned further promises to pay all reasonable costs and expenses incurred, including a reasonable attorney's fee, and interest at the rate of twelve per cent (12%) per annum on any installment, either on principal or interest, in arrears.

/s/ ALFRED A. YEE

ALFRED A. YEE

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543

August 18, 1980

Mrs. Janice Ching Yew
3169 Alika Avenue
Honolulu, Hawaii 96817

RE: Janice Ching Yee, Petitioner v. Alfred Alphonse Yee, et al.

Dear Mrs. Yee:

I have been directed to return to you the petitions and miscellaneous papers which you forwarded to this office and we received on August 13, 1980. They are being returned by separate mail.

You are asking this Court to review two cases presently pending in the Supreme Court of Hawaii: Nos. 7067 and 7355. This Court has no jurisdiction to review cases which are pending in a state court.

The authorities which you cite: 28 U.S.C. 1254(1) and 28 U.S.C. 2101(e) deal only with cases coming to this Court from a federal court of appeals. Rule 17.1(b) of the Rules of this Court deals with cases in which a final judgment has been entered in a state court of last resort. Rule 17.1(c) also deals with cases in which there has been a final judgment in a state court or a federal court of appeals. Rule 18 deals with cases of imperative public importance pending in a federal court of appeals.

Your check is returned to you herewith.

Very truly yours,

MICHAEL RODAK, JR., CLERK
by
/s/ Jennie H. Lazowski
Assistant Clerk

APPENDIX "A–2(3)"
(APP. "G" in OPENING BRIEF, USCA#81–4326

FILED
JUL 23 1981
Richard H. Deane
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Plaintiff/Appellant,	)	No. 81–4326
vs.	)	
	)	D.C.# CV 81-0148
HAROLD SHINTAKU, Judge, et al., Defendant and Contributory Defendants by Joinder,	)	WMH HAWAII
BETTY VITOUSEK, Judge, et al.; KWON YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-Judge, et al.; EDWARD Y. C. CHUN, et al., Attorneys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist, and GERRY NAGAHISA, Social Worker, et al.,	)	O R D E R
Defendants/Appellees.	)	

Before: CANBY, Circuit Judge.

The court grants appellant permission to file an original and four (4) copies of a pro se opening brief. Appellant shall also file with her opening brief five (5) copies of excerpts of the clerk's record. See 9th Cir. R. 113.

/s/ William C. Canby, Jr.
United States Circuit Judge

1–J 7/15/81

APPENDIX "A–2(4)
(APP. "E" in OPENING BRIEF, USCA#81-4326)

January 12, 1982*

Office of the Clerk
for the SUPREME COURT OF THE UNITED STATES
at: Washington, D.C., 20543

TO WHOM IT MAY CONCERN:
RE: *IN RE JANICE CHING YEE v. HAROLD SHINTAKU*

On Jan. 5, 1982, at 6:40 a.m. in Honolulu, Hawaii, or 11:40 a.m. Washington, D.C.; permission was received from Mrs. Russin for presentation of Petitioner's PETITION FOR EXTRAORDINARY WRIT(S) OF CERTIORARI AND/OR MANDAMUS, in the typewritten from, according to *This Court's RULES, RULE 33.3 and 39.1,* as requested also by certified letter sent to this Court, dated Dec. 18, 1981, and received by this Court, signed Dec. 23, 1981, affirmed by return receipt.

On Jan. 7, 1982, at 8:05 a.m. in Honolulu, Hawaii, or 1:05 p.m. in Washington, D.C.; permission was received from Mr. Shade of this Court, for presentation of Petitioner's PETITION, typed by an "executive type" typewriter, not pica.

This is certified as true, and accomplished by telephone.

/s/ MRS. JANICE CHING YEE

Mrs. Janice Ching Yee
Petitioner Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii, 96817

APPENDIX "A-2(5)"*

*p.s. This is now not applicable, except for proof of timeliness, according to *U.S. Supreme Court Rules, RULE 33.7* and *RULE 28.2,* wherefor Petitioner's original PETITION was sent, dated Jan. 11, 1982, by air mail, special delivery, insured #v11-4732038, with return receipt dated Jan. 13, 1982 at

10:49 a.m. stamped received by the U.S. Marshal's office, of the U.S. Supreme Court. On Jan. 22, 1982, it was learned, clerk Shade had sent the PETITIONs back to Petitioner, who has not received them back yet, this Jan. 27, 1982. Petitioner's "Request by Entry of Appearance" was received stamp dated Jan. 16, 1982 by the U.S. Supreme Court, and returned to Honolulu, received Jan. 25, 1982.

I certify this as true.

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee, Petitioner Pro Se

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUN 5 1981
at 1 o'clock and 15 min P.M.
WALTER A.Y.H. CHINN, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff, v. HAROLD SHINTAKU, et al., Defendants.	)	CIVIL NO. 81-0148 ORDER DISMISSING COMPLAINT

ORDER DISMISSING COMPLAINT

The complaint filed by Janice Ching Yee on May 4, 1981, including the first, second and third amendments to the complaint, are hereby DISMISSED by this Court, sua sponte, for failure to contain a short and plain statement of the grounds upon which this Court's jurisdiction depends, and for failure to contain a short and plain statement of a claim showing that plaintiff is entitled to relief as required by Fed. R. Civ. P. 8 (a) (1) and 9 (a) (2).

The complaint is hereby DISMISSED, along with the first, second and third amendments, on the additional ground that they violate the requirements of Fed. R. Civ. P. 8 (e) (1) because the averments of plaintiff's complaint and amendments are not simple, concise and direct.

ThisCourt takes notice of plaintiff's lengthy history of litigation in the State Courts of Hawaii and, in particular, the various orders of the Supreme Court, the Family Court, and the Circuit Court of the State of Hawaii which have barred the Court Clerks from accepting any further motions, pleadings or appeals from plaintiff regarding her divorce proceedings and any other litigation generated by plaintiff which has arisen out of those divorce proceedings. This background to plaintiff's complaint, as well as this Court's analysis of plaintiff's complaint, amendments and motions filed in this action support

this Court's conclusion that plaintiff's claims are wholly insubstantial and frivolous, immaterial and made solely for the purpose of obtaining jurisdiction in the Federal Courts.

The complaint is DISMISSED with prejudice, without furthere leave to amend, and each party will bear its own costs.

SO ORDERED.

DATED: Honolulu, Hawaii, June 5, 1981.

/s/ Walter M. Heen
United States District Judge

Civil No. 81–0148
Janice Ching Yee v. Harold Shintaku, et al.
Order Dismissing Complaint

APPENDIX "A–2(6)"
(p. 361-363 of EXCERPTS APPENDIX, USCA#81–4326)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUN 5 1981
at 3 O.clock and 0 min P.M.
WALTER A. Y. H. CHINN, Clerk

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF HAWAII

CIVIL ACTION FILE NO. 81–0148

JANICE CHING YEE,)
)
vs.) JUDGMENT
)
HAROLD SHINTAKU, et al.)

This action came on for consideration before the Court, Honorable WALTER HEEN, United States District Judge, presiding, and the issues having been duly reviewed and a decision having been duly reviewed and a decision having been duly rendered,

It is Ordered and Adjudged that the Complaint is hereby DISMISSED with prejudice.

Dated at Honolulu, Hawaii, this 5th day of June, 1981.

/s/ Walter A.Y.H.Chinn
Clerk of Court

cc: Yee, Garcia, Farrell, McCorriston, Crowley, Chun, Kokernak

APPENDIX "A–2(6)" - last page

FILED IN THIS
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 16 1981

at 1 o'clock and 45 min. P M.
WALTER A. Y. H. CHUNN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff,	)	CIVIL NO. 81-0148
v.	)	ORDER DENYING MOTION FOR NEW TRIAL; DENYING MOTION FOR RECUSAL OF JUDGE; DENYING MOTION FOR SUMMARY JUDGMENT
HAROLD SHINTAKU, et al., Defendants.	)	

ORDER DENYING MOTION FOR NEW TRIAL; DENYING MOTION FOR RECUSAL OF JUDGE; DENYING MOTION FOR SUMMARY JUDGMENT

On June 5, 1981, this Court's Order Dismissing Plaintiff's Complaint With Prejudice was filed. On June 9, Plaintiff filed a 23-page document self-styled as (1) Motion For New Trial And Relief From Judgment Or Order; (2) Motion For Recusal Of Judge Walter Heen For Prejudice And For Joinder Of Walter Heen As Ex-U.S. District Attorney, As Contributory Defendant, and (3) Re-Motion For Summary Judgment For Plaintiff Pro Se.

While the document is not as lengthy as the original 139-page complaint (not including exhibits attached thereto), it is nonetheless as completely devoid of logical statements for relief as that complaint and its amendments.

Plaintiff is clearly not entitled to a new trial for the reason that there never was a trial in this matter in this Court. Furthermore, Plaintiff shows no reason in law or fact for the granting of relief from the order which dismissed this action.

Plaintiff's Motion For Recusal comes too late to be considered by this Court. In addition, the Plaintiff's allegations are not in affidavit form and not made under oath. Title 28, United States Code, Section

144, requires that the challenging party file such an affidavit stating facts and reasons for recusal not less than ten days before the beginning of the term at which the proceeding is to be heard.

The Court has nonetheless examined the allegations made by Plaintiff and finds that they do not contain facts and reasons for belief that any bias or prejudice exists on the part of this Court regarding her allegations in the complaint. Plaintiff alleges that she conferred with me while I served as U.S. Attorney regarding her desires to have the Justice Department or the F.B.I. investigate her complaints. My denial of her requests are now characterized by her as "malevolent disinterest." None of her allegations indicate any bias or prejudice against Plaintiff with respect to the present suit.

Plaintiff has also moved to have me joined as "contributory defendant." It should be noted that Plaintiff has named as Defendants in her suit the Supreme Court of the United States and the Supreme Court of the State of Hawaii, eight judges or former judges of the Hawaii State Circuit Court, members of the State Judicial Qualification Commission, the Governor of the State of Hawaii, the Disciplinary Counsel and Ex-Disciplinary Counsel of the State of Hawaii, six attorneys, two psychiatrists and a social worker, her husband and his engineering firm, and one private individual. Obviously, Plaintiff has joined in her suit any person who she feels has created or contributed to a need for, and failure to get, redress. She now seeks to join me apparently for the reason that I have dismissed her action, thus depriving her of a forum. Because Plaintiff's complaint has been dismissed with prejudice, her motion to have me joined as a Defendant obviously cannot be granted.

Plaintiff has submitted what she styles as Motions For Summary Judgment against all of the Defendants. Not only are these motions unaccompanied by any documents or material which indicate that there are no genuine issues of material fact, but they too have been made subsequent to the dismissal of this action and are, therefore, not timely.

All of Plaintiff's motions are *DENIED*.

IT IS FURTHER ORDERED, that the Clerk of this Court is directed not to accept any further motions of pleadings from Plaintiff in this matter.

DATED: Honolulu, Hawaii, June 16, 1981.

/s/ WALTER M. HEEN

United States District Judge

APP. "A-2 (7)", last page

APPENDIX "B"

ADDITIONAL NEW RULINGS RELIED ON*

* with exception of JILLSON v. CAPRIO reiterated here for its good pertinence.

All old RULINGS included for consideration, are listed as Authorities relied on, and are found in APPENDIX "B" in OPENING BRIEF of case USCA#81-4326.

Prayers are for the RECORD ON APPEAL to be sent to this Court.

APPENDIX "B": ADDITIONAL NEW RULINGS RELIED ON

1. *BRITT v. SUCKLE (1978 DC Tex) 453 F. Supp. 987.*
   "Fourteenth Amendment authorizes Congress to legislate to prohibit a private conspiracy with purpose of denying Plaintiff equal treatment by the State Courts through attempted denials of Plaintiff's access to them." *USCA 1985(2) USCA Const. Amend. 14.*

2. *COOK & NICHOL, Inc. v. PLIMSOLL CLUB; 451 F. 2d 505 (5th Cir. 1971.*
   Plaintiff "should not be dismissed for failure to state claim unless appears beyond doubt that Plaintiff can prove no set of facts in support of the claim which would entitle the Plaintiff to relief." *FRCP, Rule 12(b))6) 28 USCA.*

3. *FANNIE v. CHAMBERLAIN MFG. CORP. DERRY DIV. (1977 DC Pa) 445 F. Supp. 65*
   "The Doctrine of Res Judicata require for its application, final judgment on the merits."

4. *GRIFFIN v. BRECKENRIDGE, Supra 403 U.S. at 90-91, 91 S. Ct. 1790, id at 102, 91 S. Ct. 1798.*
   "The language regarding intent to deprive of equal protection or equal privileges" "means that there must be some racial or perhaps otherwise class-based insidiously discriminatory animus behind the conspirators' action."

   ""Conclusion: The ultimate inequality of treatment in the courts, in Congress' language 'the obstruction of the due course of justice', is the discrimination aimed at in the Complaint and prohibited by 1985(2)." "In this Court's view, the Plaintiff has stated a claim under *42 USC 1985(3)".*

5. *HAMPTON v. HANRAHAN. (1979 CA 7 III) 600 F. 2d 600.*
   "Express agreement among all conspirators is not a necessary element of a civil conspiracy." "–must share general conspiratorial objective, but they need not know all details of plan designed to achieve objective or possess same motives for desiring intended conspiratorial result. When a Plaintiff alleges conspiracy to violate civil rights, existence or non-existence of conspiracy is essentially a factual issue that the jury, not trial judge, should decide. *42 USCA 1983 1985(3)*

6. *JACOBS v. BOARD OF REGENTS (1979 SD Fla) 473 F. Supp. 663*
"A plaintiff should never be dismissed unless it appears beyond doubt that Plaintiff can prove no set of facts in support of the claim which would entitle the Plaintiff to relief." *FRCP, Rule 12(b)(6) 28 USCA.*

"District Court is required to construe the complaint in a light most favorable to Plaintiff and to take the allegations contained therein as true. *FRCP, Rule 12(b)(6) 28 USCA.*

7. *JILLSON v. CAPRIO. 86 App. D.C. 168, 181, F. 2d 523: Noted. 49 Mich. L.R. 917 (1941); 35 Cornell L.Q. 904 (1950).*
"FALSE ARREST. False arrest fundamentally refers to restraint under legal procedures."

"Any 'restraint' on the personal liberty to come and go, of a person no matter how slight is an 'arrest'. A 'malicious arrest' is one made in proper procedural form but without probable cause",

"No damange need be shown in order to spell out this tort because of the origin of the action"" and even momentary 'restraint' is sufficient. And the victim is entitled to 'compensatory damages' for the mental suffering and time lost, as well as 'general damages'.

""Furthermore," "Negligence, as well as intent on the part of the wrongdoer suffices for 'false imprisonment' or 'false arrest'".

"Not only the perpetrators" "but the instigators of unlawful violence is fully responsible to its victim."

"ANYONE WHO AIDS A FALSE ARREST IS GUILTY"!

8. *McCLELLEN v. MISSISSIPPI POWER & LIGHT CO. 545 F. 2d 919 (5th Cir. 1977) (en banc) Id. at 925.*
"Put more simply, there can only be a deprivation of rights of a Plaintiff when the action of the Defendant is otherwise illegal."

9. *PECK v. U.S. (1979 SD NY) 470 F. Supp. 1003.*
"Determination of when a claim accrues under civil rights conspiracy statute is a question of Federal Law." *42 USCA 1986.*

10. *PHABY v. KSD-KSD TV, Inc. (1979 ED MO) 476 F. Suppl. 1051.*
"A conspiracy to deprive a person of his rights to free speech and freedom of association due to his membership in a class, even though committed entirely by private persons, will constitute a violation of civil rights conspiracy statute." *42 USCA 1985(3). 1983.*

11. *SCHEURER v. RHODES. 416, U.S. 232, 94 S. Ct. 1683, 40 L. Ed. 2d 90 (1979)*

"–court is required to construe the complaint in a light most favorable to Plaintiff and to take the allegations contained therein as true."

12. *SCOTT v. MOORE (1978, DC Tex) 461 F. Supp. 224.*

"Once conspiracy exists, co-conspirators of whom a party to conspiracy is unaware can bind him by their actions. Plaintiff must show conspiracy entered into with intent to deny class to which he belongs equal protection of the law, or an injury for lawfully expressing right of any person to equal protection of the law." *42 USCA (1985(3).*

13. *SELZER v. VERKOWITZ. (1978 DC NY) 459 F. Supp. 347.*

"(2) a conspiracy aimed at depriving someone of his First Amendment Right of freedom of speech and freedom of association was cognizable under the civil rights laws, and (3) where State action is involved, there is no requirement of showing of a class-based discriminatory animus". *F. Supp. 348.*

"Civil Rights statute prohibiting conspiracy to deny equal protection applies to any and all conspiracies involving state action which threatened deprivation of rights protected under statute, even if such conspiracies are not motivated by class based discriminatory animus and are directed solely at an individual." *42 USCA. 1985(3). USCA. Const. Amend. 14.*

APPENDIX "C"*

ADDITIONAL LAW, AND LAW OF PERTINENCE

* with reiteration of most pertinent LAW here, for REASON to GRANT this PETITION, and REDRESS FOR JANICE CHING YEE, this Petitioner Pro Se.

All LAW used for this case has been listed in the Table of Authorities; and if not in APPENDIX "C" of this PETITION, can be found in APPENDIX "C" of the OPENING BRIEF of case USCA#81–4326.

Prayers are for the RECORD ON APPEAL to be sent to this Court.

APPENDIX "C": ADDITIONAL LAW, AND LAW OF PERTINENCE

1. HAWAII REVISED STATUTES

A. *CHAPTER 605-2: "Attorneys: license required.* No person shall be allowed to practice in any court of record or before a circuit judge at chambers, unless, he has been duly licensed so to do by the supreme court; provided, that nothing in this chapter shall prevent any person, plaintiff, defendant, or accused, from appearing in person before any court, or justice, and there prosecuting or defending his own cause, without the aid of legal counsel. (*CC 1859, +1068; RL 1925, +2305; RL 1935, +3604; RL 1945, +9702; RL 1955, +217-2*)"

B. *CHAPTER 657-20: "Extension by fraudulent concealment.* If any person who is liable to any of the actions mentioned in this part, fraudulently conceals the cause of such action from the knowledge of the person entitled thereto, the action may be commenced at any time within six years after the person who is entitled to bring the same discovers that he has such cause of action, and not afterwards. (*CC 1859, +1049; RL 1925, +2654; RL 1935, +3925; RL 1945, +10436; RL 1955, +241-19*)

2. HAWAII FAMILY COURT RULES:

A. *RULE 1. "Scope of Rules.* These rules govern the procedure in the family courts and the district family courts of the state in all civil actions. They shall be construed to secure the just, speedy, and inexpensive determination of every action."

B. *RULE 7(b)(5). "Pleading Allowed; Form of Motions.* Any motion seeking an order for or modification of financial or monetary relief of any kind, except for an award of attorney's fees in enforcement proceedings, shall have attached income and expense and property or asset and debt statements on the forms provided by the court, executed by the movant and duly notarized or under penalty of perjury, and any person responding to such motion shall prepare and submit to the court and the movant, at or prior to the hearing of such motion, income and expense and property or asset and debt statements on the forms provided by the court, executed by such respondent and duly notarized or under penalty of perjury.

The sanctions provided in *RULE 37(b)(2)* shall apply in the event of failure to comply with this *RULE 7(b)(5)*.

3. **HAWAII'S CODE OF PROFESSIONAL RESPONSIBILITY: ETHICAL CONSIDERATION: (EC)**

A. *EC 2-27* History is replete with instances of distinguished and sacrificial services by lawyers who have represented unpopular clients and causes. Regardless of his personal feelings, a lawyer should not decline representation because a client or a cause is unpopular or community reaction is adverse.

B. *EC 2-28* The personal preference of a lawyer to avoid adversary alignment against judges, other lawyers, public officials, or influential members of the community does not justify his rejection of tendered employment.

C. *EC 2-30* Employment should not be accepted by a lawyer when he is unable to render competant service or when he knows or it is obvious that the person seeking to employ him desires to institute or maintain an action merely for the purpose of harassing or maliciously injuring another. Likewise, a lawyer should decline employment if the intensity of his personal feeling, as distinguished from a community attitude, may impair his effective representation of a prospective client. If a lawyer knows a client has previously obtained counsel, he should not accept employment in the matter unless the other counsel approves or withdraws, or the client terminates the prior employment.

D. *EC 7-5* A lawyer as adviser furthers the interest of his client by giving his professional opinion as to what he believes would likely be the ultimate decision of the courts on the matter at hand and by informing his client of the practical effect of such decision. He may continue in the representation of his client even though his client has elected to pursue a course of conduct contrary to the advice of the lawyer so long as he does not thereby knowingly assist the client to engage in illegal conduct or to take a frivolous legal position. A lawyer should never encourage or aid his client to commit criminal acts or counsel his client on how to violate the law and avoid punishment therefor.

E. *EC 7-21* The civil adjudicative process is primarily designed for the settlement of disputes between parties, while the criminal process is designed for the protection of society as a whole. Threatening to use, or using, the criminal process to coerce adjustment of private civil claims or controversies is a subversion of that process; further, the person against whom the criminal process is so misused may be deterred from asserting his legal rights and thus the usefulness of the civil process in settling private disputes is impaired. As in all cases of abuse of judicial process, the improper use of criminal process tends to diminish public confidence in our legal system.

F. *EC 7-22* Respect for judicial rulings is essential to the proper administration of justice; however, a litigant or his lawyer may, in good faith and within the framework of the law, take steps to test the correctness of a ruling of a tribunal.

G. *EC 7-26* The law and Disciplinary Rules prohibit the use of fraudulent, false, or perjured testimony or evidence. A lawyer who knowingly participates in introduction of such testimony or evidence is subject to discipline. A lawyer should, however, present any admissible evidence his client desires to have presented unless he knows, or from facts within his knowledge should know, that such testimony or evidence is false, fraudulent, or perjured.

APPENDIX "D"*

SUPPLEMENTAL FACTS FOR HISTORY OF THIS CASE

* with prayers for acceptance of this help in better and faster understanding of 10 years of "incidences" in this case.

And prayers are for ORDER for the RECORD ON APPEAL for case USCA#81–4326 to be sent to this Court.

APPENDIX "D"
SUPPLEMENTAL FACTS FOR HISTORY OF THIS CASE

The supplemental facts for the history of this case have been concisely set out in Petitioner's original COMPLAINT, and it is hereby condensed and amended, for fast preview until the RECORDS ON APPEAL (R/A) can be sent up and reviewed from the lower U.S. Court of Appeals for the Ninth Circuit.

1. Respondent Alfred A. Yee (AAY), as ex-husband condones all of the happenings which injured/is injuring his ex-wife Janice Ching Yee (JCY) of twenty (20) years (1/29/53 to 3/1/73 order) once, where JCY was the only person who helped AAY in every area of life for thos 20 legal years. Respondent AAY's jealousy was main factor which caused his terrible malice and hatred of this Petitioner JCY, and Petitioner's friends (including AAY once) who knew Petitioner was, from the beginning, a monogamist who enjoyed life without guilt; therefore does not believe in pre-marital sex, abortion, and adultery affairs. Because of this jealousy, the Respondent (Resp.) AAY perjured, denied, and deprived Petitioner (Pet.) JCY of credit, promised compensation and life of luxury, secured feeling of life support, and severence pay for real work once as "silent executive partner" of AAY, alone, which benefitted any company he owned shares in. Because of this, Resp. AAY and his Company Alfred A. Yee & Associates, Respondents also, "breached" their promised intent to pay Petitioner $2 million for help with the foundation of Resp. company AAY & Associates, including six (6) years credit transfered from Park & Yee (now dissolved). This included a neat idea of $1 million insurance policy, purchased by the Company, on the life of AAY, and $ million intention of AAY once and JCY purchased insurance on the life of AAY; all in JCY's name, as beneficiary. The individual AAY's intent had reached the sum of $740,000.00 at moment of divorce (year); cut to present level of $250,000.00, with premium being paid from penalized funds from the interest income received from the forced loan, specified as NOTE "B", ordered by Resp. Judge Vitousek's "Eleventh Supplemental Decision & Order", which ordered the unfair loan at an unfair 5% interest; and while Resp. AAY's company had 66 men working for Resp. AAY. Petitioner pled many times for Relief from the Hawaii Family Court's

inequities and deprivation of Petitioner's Constitutional (civil) RIGHTS; and Petitioner appealed many times for direction or determination, and/or REDRESS, unordered yet from the Hawaii Supreme Court. Petitioner pled for the Court(s) to order Resp. AAY pay Pet. JCY, the money due from the "face value" of the insurance policy, so Pet. JCY can cancel the insurance policies, and save on premium payments. Malevolently, Resp. Vitousek cannot understand this and filed perjured orders‡ of Plaintiff not wanting the insurance money, coercing affirmation of Vitousek's cruel , perjured, coercive incapacitated "order" of Plaintiff's good capable reputation for Petitioner (Plaintiff). JCY APPEALS and pleads against the 10 years' penalty of Petitioner's RIGHTS to live as true capable, good Americanborn woman, for FREEDOM, as established RIGHT, and well deserved; with probable cause for REDRESS for Pet. JCY, against deprivation and violation of JCY's Civil RIGHTS to collect half of Resp. AAY's income at moment of divorce, for Pet. JCY, and children until grown, with RIGHT to manage Petitioner's money by herself, as proven qualified business executive, for equal opportunity, and fair competition, to use Petitioner's money for free enterprise, now deprived and restrained by the hateful, prejudiced orders by Judge Vitousek, Resp., who judged from Sept. 14, 1972, to Feb. 28, 1978. Resp. Vitousek's cruellest "order" gave Resp. AAY, as Defendant, control and unjust gainful use of $225,000.00 of Petitioner's money, not released yet, and proven by EXHIBIT "H", filed on Nov. 16, 1981, in the U.S. Court of Appeals (USCA) for the Ninth Circuit. This $225,000.00 was split into the NOTE "A" and NOTE "B" (EXCERPTS APPENDIX or EA, p. 246 and 247; and; reappended in this PETITION, as APP. A–2(1 & 2)). Wherefore, $10,000 is still owed by Don Noble for the Furniture Lease Note, mentioned in the Eleventh Supplement noted. The conspired (resultant) Judiciary together "denied" full use of this money, all one time, by Petitioner, who continued to plead this past 10 years, and lost 10 years' time to open shop for Petitioner's Pi PRESS, Inc.; instead of being coerced to sell with the "Mail Order House" category, on a small scale, suffering from "restraint of trade" caused by the conspired libel by the "judicial frivolity"

‡par. 2, p. 214, EXCERPTS APPENDIX OF USCA#81–4326

instigated "intrinsic fraud", now causing entrapment in the judicial system, injuring Petitioner, blessed with a "gift" of poetry, and being deprived of civil RIGHTS to pursue the vocation as poetess. Respondent AAY's income at moment (or year) of divorce was $105,500. Resp. AAY's salary, not including other income, noted by AAY in 1981, was $9000 per month. Resp. AAY is maliciously greedy.

2. Much has been alleged about Respondent Judge B. Vitousek's unamerican, unconstitutional, perjured, persecutory "orders" and "decisions"; which instigated, in bad faith intent, the conspired resultant intrinsic fraud entrapment of Petitioner Janice Ching Yee, who APPEALS, and has probable cause for RIGHTS FOR REDRESS'

Respondent Judge Harold Shintaku was the Court of the first instance, in the Hawaii Circuit Court, who "dismissed" charges against Resp. Betty Vitousek, as errant Judge. He then condoned, contributed to, aided, and perpetrated Resp. Vitousek's instigated wrongs. But, Resp. Shintaku "dismissed" charges in the "pre-trial" of case HCC#45123; and there was no trial, or jury trial. Therefore, "res judicata" does not apply for Respondent Vitousek. Also, Resp. Shintaku was in violation of Title 42's Chapter 21, Sections 1983, 1985(2 & 3), and 1986; perpetrating Resp. Vitousek's violation of these Sections, perpetrated by each and every Respondent, who either perpetrated or contributed to the end result of violations of Petitioner's Legal American Constitutional Civil RIGHTS. JCY's COMPLAINT was/is very proper, and true, with pertinent relevance. Resp. Shintaku's worst violation was his malevolent neglect to prevent the resultant conspiracy; instigated by the "false arrest" "guardian ad litem" order for Harold Nickelsen, who didn't have the decency to decline or report Resp. Vitousek's violation of Petitioner's civil RIGHTS, injured by Shintaku's disinterest, and perpetration. for deprivation of JCY's RIGHTS.

4. Respondent Harold Nickelsen started by violation and deprivation of Petitioner's civil RIGHTS, as good American lady. Resp. Nickelsen's position as the "illegal" "false arrest" "guardian ad litem" caused the deprivation of Pet. JCY's civil RIGHTS to manage Pet. JCY's money; therefore deceptively, in fraudulent concealment, forced the loan to Resp. AAY, ex-husband who enjoyed 10 years of punishment of Pet. JCY, and RIGHTS

for a simple divorce with reason and RIGHTS for very equitable, reasonable financial settlement. This also caused the resultant "false imprisonment" which deprives Pet. JCY from enjoying travelling, or attending any career related conferences for Janice Ching Yee, with credit.

5. Respondent Norito Kawakami, as Judge of Hawaii Circuit Court, "dismissed" creditable and credible charges against:

6. Respondent Stephanie Kokernak, as Defendant in his Court. Resp. Kokernak was in violation of JCY's civil RIGHTS as owner, with RIGHTS to hire or fire. Resp. Kokernak was fired 10 times, and refused to move, even after seeing cancelled checks signed by Petitioner, who warned Resp. Kokernak she was causing dissention, leading to divorce, being coerced then by Resp. AAY. Resp. Kokernak uncompassionately refused to move until after the divorce was granted Pet. JCY, who was also against her insubordination, and violation and deprivation of JCY's RIGHTS as owner of JCY's home.

7. Resp. Robert Hogan (once et al, not in this case because of JCY's suffering alone for 10 years, caused by Resp. Hogan's malevolent disinterest in once client JCY's civil RIGHTS) in conflict, perpetrated and aided other Respondents' violation and deprivation, for intrinsic fraud, which could have been prevented by Hogan. Resp. Hogan turned traitor for the Resp. AAY; and aided and abetted Resp. Vitousek's "bad faith" intent in deprivation and violation, of Petitioner's RIGHTS, and of the real position of Judge for fair and impartial determination, not found in Vitousek's Court. Resp. Hogan then also aided Resp. Chun, as Defendant's attorney; which also was breach of contract by Resp. Hogan.

8. Respondent Edward Chun, et al, all instigated malicious perjured defense, aided by the malfeasant Judge, Resp. Vitousek, beginning in the Hawaii Family Court; then defending Resp. AAY in each of the other Courts whereof Petitioner pled, so far. Respondent Chun and Resp. Hogan, and Resp. Nickelsen, were the original parties to the conspiracy instigated by Resp. Vitousek's malicious abuse of judicial process in violation of HAWAII'S CODE OF PROFESSIONAL RESPONSIBILITY's ETHICAL CONSIDERATION 7–21. (APP. "LAW" in Petitioner's OPENING BRIEF in USCA for 9th Circuit). The Hawaii Supreme Court's "denials" of Resp. Judge Vitousek's malicious

abuse, then were/are in violation for deprivation of JCY's RIGHTS and/or Title 42's 1983, 1985(2 & 3), and 1986 in particular; against even the perpetrator, as Hawaii's Supreme Court. Resp. Chun, unbelieveably condoned Resp. Vitousek's misconduct and didn't report Resp. Vitousek or Nickelsen to the Hawaii Bar Association. Even when Resp. Vitousek ordered the double jeopardy "court commissioner", nobody did anything remotely legal. The "illegal" "court commissioner", still not dismissed or reversed by the "illegal" "unamerican" Hawaii Family Court's unconstitutional frivolity; was condoned by prejudiced, "conflicted" Judge Walter Heen, and shameful Judges Pregerson and Ferguson; from the U.S. District Court for the District of Hawaii, and the U.S. Court of Appeals for the Ninth Circuit; respectively. They were ineffective in the positions of Judges, "to uphold the Constitution of the U.S." against their perjury. They also condoned illegal Rule 7(b)(5) of Hawaii Family Court Rules. (APP. "LAW"). Resp. Chun kept silent.

9. Respondent James Koshiba and the Hawaii State Bar Association were in violation of Petitioner's civil RIGHTS, wherefore Resp. Koshiba was Chairman of the Ethics Commission of the HSBA, where by 1975, there were 100 lawyers in volations of HAWAII'S CODE'S ETHICAL CONSIDERATION 2–27 and 2–28, with the exemption of few who proved neutral. Resp. Koshiba denied Resp. Hogan was unethical, and ignored the fact Harold Nickelsen was also unethical, because of noComplaint by JCY, who told Resp. Koshiba to see the "order" for the "guardian ad litem" in the Hawaii Family Court, not having a copy of the order and not wanting to warn Resp. Hogan or Vitousek of Pet. JCY's Complaint to the Ethics Commission; not wanting to suffer the retaliation, suffered anyway; which instigated and perpetrated the cruel, unconstitutional intrinsic fraud entrapment for deprivation and violation of Petitioner's civil RIGHTS and 1983, 1985(2 & 3), and 1986. Wherefore Resp. Koshiba, after a couple of false starts, gave the Jurisdiction to Disciplinary Counsel Jung Lowe, Respondent, who delayed disciplining, then lost the Jurisdiction to the Judicial Qualification Commission, leaving the Disciplinary Counsel position only for discipline of lawyers. Resp. Koshiba, the Ethics Commission chairman of the Hawaii State Bar Association did not know where to send the Complaint against a malfeasant Judge

who was in evident violation of Plaintiff's civil RIGHTS for JCY's FREEDOM not evident yet; and malicious abuse of process. They, the Commission, could have prevented the violation and deprivation causing the resultant intrinsic fraud entrapment of Petitioner.

10. Respondent Dr. Betty Adams, the Court Psychiatrist, perjured in prejudiced malpractice, after a normal interview, and thereby, among other things, falsely reported and testified, and accused: "severe chronic mental illness", which defamatory, libelous, slander as perjured evidence, was illegally accepted by cruel Resp. Vitousek as Judge, in violation of ETHICAL CONSIDERATION 7–26 and 7–21, the Rule against the malicious abuse of process to coerce a lesser settlement, causing the unfair intrinsic fraud and effected entrapment, since 1973 to present. The resultant conspired deprivation and violation of Petitioner's civil RIGHTS, was caused by Resp. Adams' perjured malpractice, as contributory for the conspiracy's effectiveness, to coerce seeing a psychiatrist or not have pleas considered.

11. Respondent Gerry Nagahisa, as Court Social Worker, perjured about the interviewed information; which made up her perjured report in conflict and prejudice for Defendant AAY, the Respondent in this Court. Resp. AAY was "too busy" so didn't feed the babies bottles of milk, (all five of Petitioner's children; fourth generation Americans), play w/ and teach them, until 1969, before the divorce initiated on Sept. 16, 1971. Therefore, Resp. Gerry Nagahisa, and Resp. Adams by their conflicted, biased Reports, deprived Pet. JCY of civil RIGHTS for equal RIGHTS, with good, healthy reputation to apply for permanent custody of the children to Petitioner, with grant of JCY's divorce. Resp. Nagahisa and Adams' reports also caused the order for the illegal "guardian ad litem", as reported by the Court. Wherefore Resp. Nickelsen said, "It was something Vitousek thought you needed", when queried about his position. After he was sued, his perjured report suggested the Court commissioner, whereof Mr. Patrick Sullivan, who died in 1978, said before dying, that he was not paid, and/or, doing anything in the paper position of "court commissioner", which was for Resp. Vitousek's assassination of JCY's character, reputation, and good name Janice Ching Yee. Wherefore, Mr. Gunji Izumoto, the new paper "court commissioner" was requested to de-

cline the void, non-effective position in 1981, but hasn't yet. Resp. Adams & Nagahisa perpetrated and contributed to the violation of 1983, 1985(2 & 3), and 1986, of Title 42.

12. Respondent Robert Franklin, attorney, deceptively accepted the position to replace Resp. Robert Hogan, as attorney once for JCY Plaintiff, in 1974, had thought to sue Resp. Hogan for negligence, etc., agreed to, by Resp. Franklin, as part of the acceptance/offer; contracted to by Resp. Franklin, and breached, when Resp. Franklin employed Resp. Hogan, two months later, for Resp. Franklin's divorce and therefore, couldn't help JCY sue Robert Hogan, the Respondent. Upon accusation of conflict, Resp. Franklin recognized it, and submitted his Withdrawal, which was rejected for filing by Resp. Vitousek, as Judge of the divorce case then, in 1974. Resp. Robt. Franklin was finally released as attorney in the case by order, on April 17, 1975; ordered April 11, 1975. The delay deprived Petitioner, of more than 11 months of finding another attorney to help with JCY's divorce case, because from April 1974 – April, 1975, the lawyers approached, used the excuse from conflict, from taking a case with a former lawyer still in the position, and all declined the position. This deceptive, delaying restraint and malevolent neglect cost a year of Petitioner's life.

Those were the seven cases "denied" by Resp. Kawakami. (see #19)

13. Another lawyer was Respondent John Parks, who seemed compassionate, and ready to help, but his deception was actually in aid of vain Resp. Vitousek's bad faith intent to delay Petitioner's life, by restraintive, oppressive, suppression of Petitioner, who dared to speak out against Resp. Hogan, Resp. Vitousek, and Resp. Nickelsen, the instigators of the deprivation and violation of Petitioner's civil RIGHTS, injured by their perpetrated, conspired, perjury and restraintive obstruction of Justice for JCY's RIGHTS for JCY who suffered 10 years from their conspiracy. They were aided, perpetrated, and contributed to deliberately, or unknowingly by other and all Respondents, especially those related to the Hawaii State Govt.

14. Governor George Ariyoshi, and his political "team", benefitted by the illegal, restraint and exploit of Petitioner JCY, who also discovered (per RULE 26) conflict by the Respondent Governor Ariyoshi who rewarded Resp. James Burns for his part

in depriving and denying Petitioner's RIGHTS to collect Petitioner's money to attend the Association of Trial Lawyers' conference in Maui in 1978, and/or attend the ATLA College of Advocacy in 1978. Resp. Burns was elevated to Justice in Hawaii's new Intermediary Court before many veterans with more knowledge and good records, and without prejudice, which was Resp. Burns' worst fault. Wherefore Resp. Ariyoshi was urged to reconsider (EXCERPTS APP. p. 343, Exh. #68) but had made up his mind. The fact that Resp. Burns' father ex-Governor Burns had once picked Resp. Ariyoshi as his Lieut. Governor, may have been the deciding factor of political "plumism", which however should not be a means for violation of Petitioner JCY's civil RIGHTS.

15. Resp. Burns' orders instigated coerced, exyortive acceptance of the instigated perpetration of Vitousek's intrinsic fraud, cruel violation of Petitioner's RIGHTS; and revealed the fraudulently concealed intrinsic fraud, which resulted in the temporary unchecked "gross cheat" of Petition's money, credit, legal RIGHTS, and position in life, as real, capable, executive businesswoman JCY.

16. Respondent Barry Rubin, substituted once as Hawaii Family Court Judge, and listened over two (2) hours, but didn't correct any of vain Resp. Vitousek's wrong, which she refused to correct. Resp. Rubin compounded, and perpetrated Vitousek's bad intent, by deleting the Resp. Alfred A. Yee & Associates, the Company, accepted and joined to the divorce case FC–D#81258, from Nov. 1974; and therefore incurring extra costs and time, since Resp. AAY as the President, owner of over 50% stock of company AAY & Associates, and himself, AAY, as individual of the divorce case, conspired for resultant deprivation of JCY's RIGHTS for fast transfer and collection of credit and money compensation to Pet. JCY, as divorcee for new life, as careerwoman executive, with living accustomed; only without Resp. AAY in his new life. This is a major factor and major objective. Resp. Rubin contributed to violation of 1983, 1985 & 1986.

17. Respondent Donald Tsukiyama's orders perpetrated Resp. Burns' malevolence, perpetrating and enlarging Resp. Vitousek's malevolence, wherefore Tsukiyama realized the wrong, as seen by his last two (2) orders, including his "Recusal", but in mal-

evolent disinterest (RE: Ledwith v. International Paper – APP. "B" of Opening Brief #81–4326) refused to correct the wrongs, and delayed the correction of Resp. Vitousek's terroristic intrinsic fraud, by unamerican, unconstitutional, judicial frivolity, still in violation of Petitioner's civil RIGHTS, injured by extreme deprivation.

18. Respondent Judge Arthur Fong's "orders" perpetrated and contributed to the deprivation of legal civil RIGHTS for Pet. JCY, who was denied "Reopening" and consolidating all cases, into one case, against the Respondents in this Court, once dismissed, and released by Judges, Respondents Shintaku, and Kawakami, as mentioned, in the pre-trial; where no Trial was held yet. The second "denial" by Resp. Fong denied JCY REDRESS from the breach of contract by ex-husband Respondent AAY and his company AAY & Associates. The "denial" was followed by Fong's "orders" to the Court filing clerk to refuse filing of Pet. JCY's NOTICE OF APPEAL for case HCC#55669, on APPEAL as HSC#7355 in Hawaii Supreme Court, pending; wherefore Petitioner's Registered Copyright of "Letter to the Hawaii Supreme Court" regarding the "denial" of filing of NOTICE OF APPEAL paid for on Nov. 30, 1978, was registered Dec. 8, 1978, for proof of Petitioner's good intent for timeliness, shockingly, deceptively, delayed by Resp. Fong's Court from Nov. 30, 1978 to March 20, 1979.

19. Respondent Hawaii Supreme Court, consists of Chief Justice William Richardson, Associate Justices Ben Menor, Bert Kobayashi,(Retired) and Thomas Ogata; and Substitute Justice Robert Won Bae Chang; who didn't use discretion, initiative, or prerogative, in determination of Appeals by Janice Ching Yee. The Hawaii Supreme Court (HSC) didn't even remand to, or direct, the lower errant Courts to use prerogative, initiative, or discretion to correct the Courts' bad errors and bad precedents, instigated by Resp. Vitousek, and then condoned and perpetrated, or aided, by Resp. Shintaku, and Resp. Kawakami, who both had the opportunity to correct unconstitutional unamericanism, but joined it, aided it, perpetrated it, and also contributed to it, and worst of all, condoned the crimes instead; thereby violating Title 42's 1883, 1985(2 & 3) and 1986. The Resp. HSC threatened imposition of costs, perpetrating Resp. Kawakami's violation and deprivation of Petitioner's civil RIGHTS as Plaintiff and

Appellant, who should have been helped in prosecution, instead "denied" RIGHTS. Wherefore, Kawakami was in conflict for buddies Hogan, Nickelsen, and Koshiba and the HSBA, as Defendants in his Hawaii Circuit Court, and imposed costs against Plaintiff, who Appealed in Hawaii Supreme Court, who perpetrated, and condoned Kawakami's "illegal" violation of Title 42's 1983, 1985(2 & 3), and 1986, for Petitioner Pro Se Janice Ching Yee, who should then not be denied advancement on the case HSC#7067, upon "Motion for Recusal of Chief Justice William Richardson", because he appointed the conspirators Resp. Nickelsen and Koshiba, as Bar Examiners. This has been pled in the ARGUMENTS of the PETITION.

20. Respondent Jung Lowe had the opportunity to prevent worse violations and deprivation of Petitioner JCY's civil RIGHTS, for FREEDOM, without delay of now seven (7) years from COMPLAINTs. Instead, Resp. Lowe's malevolent disinterest of Petitioner's RIGHTS was more than evident recently, for the acceptance and acknowledgment of Summons for COMPLAINT, case USDC(Hi)#81–0148, on APPEAL in the U.S. Court of Appeals for the Ninth Circuit, denied, and now on APPEAL for review and determination, by WRIT OF CERTIORARI or MANDAMUS; in This Court. Therefore, Resp. Lowe was in violation of Title 42's 1986. Resp. Lowe owes Pet. JCY additional costs, because of the extra costs of his receiving the Summons, which was not deliverable by the Chicago's Marshal's office. The Summons was returned once by certified return receipt. It was lost the second time by certified return receipt, and still not found yet. It was almost lost the last time by registered mail, insured for $25,000., until the post office realized it was insured for $25,000. Then it was delivered to Resp. Jung Lowe.

21. Respondent Dan Heely (recently appointed as Judge to Hawaii Family Court; suspected for his role in the conspiracy for violation and deprivation of Petitioner's RIGHTS to compete as lawyer and Judge someday, maybe) also denied help and denied illegality of the conspired Respondent Attorneys who were/are in conflict for the deprivation and violation of Petioner's RIGHTS for "equal opportunity and fair competition". Resp. Heely had the opportunity to read (confidential) JCY's COMPLAINTs against the attorneys involved, and denied mis-

conduct by them. The fact Attorney Russell Cades; of the law firm Cades, Schutte, Fleming, and Wright who are defending Resp. Hogan, Nickelsen, and Koshiba and the Hawaii State Bar Association, and now Heely; was on the original Disciplinary Committee which hired Heely, may have caused "denial".

22. Respondent Judicial Qualification Commission is composed of insurance man Robert Stevenson, Businessmen Cliff Melim and Mitsuyuki Kido, Reverend Charles Crane of Eipiscopal church (as is Resp. Vitousek and Resp. Richardson) and deceased (exempted) Banker Wilson Cannon. They had the opportunity to help prosecute any and all of the involved malfeasant Judiciary, who should be disciplined, and Judgments or Decisions and Orders corrected, reversed, vacated,or remanded; and/or reprimanded and convicted for their judicial frivolity, which aided and abetted the resultant conspired deprivation and violations of Petitioner's civil RIGHTS. Instead of punishment of the Judiciary errant involved members, they were condoned and excused by the Commission in violation of Title 42's 1983, 1985(2 & 3), and 1986, and Petitioner's equal RIGHTS for equal opportunity and fair competition, in all areas of life in America, with protection of American Constitutional Law. They also condoned and coerced Resp. Vitousek's "incapacitated" "ordered" libel, for injury of capable Petitioner JCY's reputation, proven by JCY, as Petitioner Pro Se, sole owner and founder of Pi PRESS, Inc. and with merit as 1951 graduate from Northwestern University's commerce school, with B.S. Degree in Business Administration, major in accounting; and therefore with proof as one of the founders of Alfred A. Yee & Associates, with credits transferred from the dissolved Park & Yee company of 6 years. The Commissions malevolent disinterest was caused by their prejudiced conflict violation of Title 42's 1983, 1985(2 & 3) and 1986.

23. Respondent Supreme Court of the United States, consists of the Court as a body, including the Office of the Clerk of the U.S. Supreme Court, denying equal RIGHT for Petitioner to have consideration of Writ of Certiorari of pending case in Hawaii Supreme Court, as Hawaii's Court of last resort; with merit for immediate settlement of case of imperative public importance of Constitutional Law, and with use of "deviation from normal appellate practice" as pertinent for use of RULE 18 of

the RULES OF THE SUPREME COURT OF THE UNITED STATES, for Petitioner JCY's August 13, 1980 "received" Joint Petition (hereafter referred to as "1980 Joint Petition").

24. Last of the Respondents listed here, is Respondent Dr. Kwong Yen Lum, who committed malpractice when he made the cruel statement "I know Alfred is sick, but you take the medicine", which was said at the session Petitioner had encouaged AAY, Respondent ex-husband to attend. Although Christian Dr. Lum, Resp. defaulted twice and his attorney Albert Gould also defaulted in timeliness for him; the Court refused to order REDRESS for Pet. JCY, proving the U.S. District Court for Hawaii, and the U.S. Court of Appeals for the Ninth Circuit, were/are both prejudiced against REDRESS FOR JANICE CHING YEE, with merit and claims, proven.

25. Because of this; Respondent Walter Heen, as ex-U.S. District Attorney, was/is included, against his prejudiced coerced closing of Petition's case USDC(Hi)#81–0148, with APPEAL to open this case, having been denied in the lower District Court, and having been denied in the lower Appeals Court for the Ninth Circuit. Respondent Heen was included, because once as U. S. District Attorney, he showed his prejudice for the Hawaii Supreme Court's Chief Justice and the Court's malfeasant deprivation and violation of Petitioner's civil RIGHTS. The first Hearing by Magistrate Thomas Young was cancelled suddenly by Judge Heen, who unfairly "took over", without warning Defendants attorneys or Plaintiff (Petitioner) Pro Se JCY.

APPENDIX "E"*

UNOFFICIAL RECORD OF SEQUENCE OF ACTION
in case USCA#81-4326

* with prayers for ORDER for the RECORD ON APPEAL to be sent to This Court, for this case's proper and just consideration, and determination.

APPENDIX "E"

UNOFFICIAL RECORD OF SEQUENCE OF ACTION, in case USCA#81-4326

1. June 26, 1981 – Certification of Record, filed in the United States Court of Appeals (USCA)
2. June 27, 1982 – Appeals Docketing Statement sent to USCA
3. July 9, 1981 – letter sent by Plaintiff-Appellant Pro Se (JCY) notifying Attorneys of JCY's intent for priority case and Emergency Motion, according to *USCA Rules, Rules 3(g) and 6(h)*
4. July 10, 1981 – notification sent by USCA of due date for Opening Brief; as August 19, 1981.
5. July 23, 1982 (received 7/25/81) – Order by Judge William C. Canby for permission of typewritten brief. Permission given by phone July 24, 1981.
6. July 24, 1981 (received 7/25/81) – Request for Honolulu Hearing. Attorneys Fleming & Crowley for Def. Appellees.
7. August 1, 1981 – letter sent to USCA re: priority case.
8. August 4, 1981 sent; filed August 6, 1981 – OPENING BRIEF OF PLAINTIFF APPELLANT PRO SE, and, EXCERPTS APP.
9. August 4, 1981 sent; filed August 6, 1981 – EMERGENCY MOTION (JCY)
10. August 10, 1981 sent; filed August 11, 1981 – CERTIFICATION OF RELATED CASES.
11. August 18, 1981 – letter from JCY notifying Defendants-Appellees of filing date of August 6, 1981 of OPENING BRIEF, EXCERPTS APPENDIX, AND EMERGENCY MOTION.
12. August 25, 1981 – Certified Copy of Clerk's – RECORD ON APPEAL (vol. 1 & 2) sent to USCA by USCD (Hi) clerk.
13. August 28, 1981 – letter from Defendant-Appellee Pro Se Stephanie Kokernak waiving defense. Rec'd 8/30/81.
14. September 5, 1981 sent; filed September 8, 1981 – Request for Entry of Appearance of Plaintiff-Appellant Pro Se.

15. September 4, 1981 dated; received September 9, 1981 – Motion of Defendants-Appellees for Extension of Time for Filing Brief of Appellees. Attorneys Fleming and Crowley; Attorneys Chun, et al; for Defendants-Appellees.

16. September 4, 1981 dated: received September 5, 1981 – Motion for Extension of Time for Filing Appellees' Brief. Attorney McCorriston for Defendants-Appellees.

17. September 4, 1981 dated; received September 9, 1981 – Motion to Dismiss Appeal or to Affirm, or in the Alternative to Strike Appellant's Opening Brief. Attorneys Fleming & Crowley for Defendants-Appellees.

18. September 9, 1981 dated; received September 10, 1981 – Motion for Extension of Time for Filing of Appellee's Brief. Attorney Gould for Defendant-Appellee.

19. September 9, 1981 filed; received Sept. 11, 1981 – ORDER by Judges Goodwin and Skopil

20. September 9, 1981 dated; received Sept. 10, 1981 – Answering Brief. Attorney General's office; Attorneys Fleming & Crowley for Defendants-Appellees.

21. September 10, 1981 dated; received September 11, 1981 – Non-Designation of Record on Appeal. Attorney General's office-Farrell for Defendants-Appellees.

22. September 10, 1981 dated; received Sept. 10, 1981 – Joinder in Motion to Dismiss Appeal or to Affirm, or in the Alternative to Strike Appellant's Opening Brief. Gould for Defendant-Appellee.

23. September 10, 1981 sent; filed Sept. 11, 1981 – Objection to Appellees Motion for Dismissal &/or Objection to any Motion for Striking of Appellant's Opening Brief; and; Request for Vacation, &/or Objection to Appellees' Motion for Extension of Time to File Answering Brief; &/or; in the Alternative, Motion for Summary Judgment for Plaintiff-Appellant Pro Se. JCY.

24. September 12, 1981 sent; filed Sept. 15, 1981 – Motion for Reconsideration, as Relief from Order Filed 9/9/81, and, Motion for Order Compelling Discovery. JCY.

25. September 12, 1981 sent; filed Sept. 15, 1981 – Request for Entry of Default of Defendants-Appellees Who Didn't Defend or Plead, as Required by Law; Entry of Default. JCY.

26. September 14, 1981 sent; filed Sept. 15, 1981 – Motion for Order to Dismiss and/or Strike Appellees' Late Answering Brief. JCY.

27. September 14, 1981 sent; filed Sept. 15, 1981 – Motion for Entry of Default of all Appellees, including, and not cancelling earlier "Request for Entry of Default" by the Clerk of the Court, for Four Appellees; Entry(s) of Default. JCY.

28. September 15, 1981 dated; received Sept. 18, 1981 – Joinder in Brief of Defendant-Appellees Harold Shintaku, et al. Attorney Gould for Defendant-Appellee.

29. September 15, 1981 dated; received Sept. 18, 1981 – Joinder in Motion to Dismiss Appellant, or to Affirm, or in the Alternative, to Strike Appellant's Opening Brief. Attorney Garcia for Def. Appellee.

30. September 15, 1981 dated; received Sept. 18, 1981 – Motion for Extension of Time for Filing of Appellee's Brief. Attorney Garcia for Defendant-Appellee.

31. September 18, 1981 dated; received Sept. 19, 1981 – Joinder in Brief of Defendants-Appellees Harold Shintaku, et al. Attorney Garcia for Def. Appellee.

31. September 16, 1981 dated; received Sept. 19, 1981 – Non-Designation of Record on Appeal. Attorneys Fleming & Crowley for Def. Appellees.

32. September 21, 1981 sent; filed Sept. 23, 1981 – REPLY BRIEF. JCY.

33. September 23, 1981 dated; received Sept. 24, 1981 – Joinder in Brief of Defendants-Appellees Harold Shintaku, et al. Attorney Chun for Def. Appellees.

34. September 24, 1981 (received 9/28/81) filed ORDER by Judges Pregerson and Ferguson.

35. September 29, 1981 sent; filed Sept. 30, 1981 – PETITION FOR REHEARING. JCY.

36. October 5, 1981 sent; filed Oct. 7, 1981 – MOTION TO AMEND AND SUPPLEMENT PLEADINGS FOR THE EMERGENCY MOTION, According to FRCP, RULE 15. JCY.

37. October 15, 1981 (received 10/15/81) filed ORDER by Judges Pregerson and Ferguson.

38. October 21, 1981 sent; filed Oct. 22, 1981 – MOTION FOR RELIEF FROM ORDER OF OCT. 15, 1981; to INCLUDE CONSIDERATION OF SUPPLEMENTAL PLEAS OF OCT. 5, 1981, PER RULE 15 (a & d). JCY.

39. November 5, 1981 sent (filed Nov. 6, 1981?) – SUPPLEMENTAL PLEADINGS FOR MOTION TO AMEND AND SUPPLEMENT PLEADINGS FOR EMERGENCY MOTION. JCY.

40. November 12, 1981 sent; filed Nov. 16, 1981 – EXHIBIT H(1 & 2) FOR VERIFICATION OF NOTES "A" & "B". JCY.

41. November 27, 1981 (received Nov. 30, 1981) filed ORDER by Judges Pregerson and Ferguson.

42. December 1, 1981 sent; received, denied filing Dec. 2, 1981 – Motion to Alter the Judgment and/or in the Alternative MOTION FOR STAY OF MANDATE pending Application for Certiorari, and Motion for Extension of Time. JCY.

43. December 7, 1981 sent; received, denied filing December 8, 1981 – Motion for Entry of Supplemental Pleading, According to FRCP, RULE 15(d). JCY.

44. December 8, 1981 sent; received, denied consideration Dec. 10, 1981 – letter to the Court. (USCA) JCY.

45. December 14, 1981 sent; filed December 16, 1981 – NOTICE OF APPEAL TO UNITED STATES SUPREME COURT, FROM FINAL AND PREVIOUS JUDGMENTS OF THE UNITED STATES COURT OF APPEALS. JCY.

46. December 18, and 19, 1981 sent – letters to the U.S. Court of Appeals RE: transmittal of RECORD ON APPEAL. JCY. (USCA#81-4326)

47. December 21, 1981 letter from Mrs. Namekawa re: transmittal of RECORD ON APPEAL for USCA#81-4326.

APPENDIX "F"

MISCELLANEOUS MATTER OF PERTINENCE

1. DOCKET SHEET for case USDC(Hi) No. 81–0148 (E.A.; p. 510–513)

2. RELEVANT LETTER TO U.S. COURT OF APPEALS, WITH PRAYERS FOR NEW TRIAL, OF THE COURT's OWN ACCORD; pled in this PETITION page

3. Letter from Defendant–Appellee Pro Se Stephanie Kokernak Waiving Defense.

	OFF.	DOCKET YR.	NUMBER	FILING DATE MO	DAY	YEAR	J	N/S
)975	1	81	0148	05	04	81	3	440

PLAINTIFFS

YEE, JANICE CHING,

JANICE CHING YEE, Pro Se
3169 Alika Avenue
Honolulu, Hawaii 96817
Ph: 595-3426

ATTORNEYS FOR DEFENDANTS:

MAX NAKATA GARCIA
190 S. King Street, Suite 990
Honolulu, Hawaii, 96813
Ph: 523-7702
(ROBERT A. FRANKLIN)

510

APPENDIX "F–1" (4 pages)

O	D PTF	D DEF	R 23	$ DEMAND	JUDGE/ MAG. NO.	COUNTY	JURY DEM.	DOCKET YR.	DOCKET NUMBER
1				Nearest $1,000	J 7508 M 75AF	15003		81	0148

DEFENDANTS

HAROLD SHINTAKU, JUDGE, et al;++

Defendant, and Contributory Defendants by Joinder, BETTY VITOUSEK, JUDGE, et al;+KWONG YEN LUM, Psychiatrist; JOHN PARKS, Attorney; NORITO KAWAKAMI, ex-JUDGE, et al;++ EDWARD Y. C. CHUN, et al, Attorneys; ROBERT G. HOGAN, Attorney; DR. BETTY ADAMS, Psychiatrist; and GERRY NAGAHISA, Social Worker, both and/or HAWAII FAMILY COURT; HAROLD NICKELSEN, Attorney; JAMES E. KOSHIBA, and/or the HAWAII STATE BAR ASSOCIATION; JUNG LOWE, ex-DISCIPLINARY COUNSEL, and/or HAWAII STATE GOVERNMENT; ROBERT A. FRANKLIN, Attorney; STEPHANIE KOKERNAK; ALFRED ALPHONE YEE, and/or ALFRED A. YEE & ASSOCIATES; WILLIAM RICHARDSON, CHIEF JUSTICE, BERT KOBAYASHI, BENJAMIN MENOR, THOMAS OGATA, ROBERT W. B. CHANG, JUSTICES, and/or HAWAII SUPREME COURT; ARTHUR FONG, JUDGE, et al;++ JAMES BURNS, ex-JUDGE OF HAWAII FAMILY COURT, et al;+ GEORGE ARIYOSHI, GOVERNOR, et al;+++ BARRY RUBIN, ex-JUDGE, et al;+ DAN HEALY, DISCIPLINARY COUNSEL, et al;+++ JUDICIAL QUALIFICATIONS COMMISSION: ROBERT STEVENSON, MITSUYUKI KOD, REV. CHARLES CRANE, CLIFFORD MELIM, AND +++ (EXEMPTED, DECEASED, WILSON CANNON), et al; DONALD TSUKIYAMA, JUDGE, et al;+ SUPREME COURT OF THE UNITED STATES.

Defendants.

EDWARD Y.C. CHUN of Chun, Kerr & Dodd
Suite 1408, Amfac Building, 700 Bishop Street
Honolulu, Hawaii 96813 – Ph: 531-6575
(ALFRED ALPHONE YEE and ALFRED A. YEE & ASSOC.
STEPHANIE KOKERNAK 1825 Dole Street Honolulu,
HI 96822 (PRO SE)

510

APPENDIX "F–1" (4 pages)

JANICE CHING YEE, Pro Se
3169 Alika Avenue
Honolulu, Hawaii 96817
Ph: 595-3426

ATTORNEYS FOR DEFENDANTS:

ATTORNEYS
THOMAS D. FARRELL
Deputy Attorney General
State Capitol
Ph: 548–4740

WILLIAM G. McCORRISTON
1600 Fastle & Cooke Buildg.
Financial Plaza of Pacific
Honolulu, Hawaii 96813
Phone: 547-5600
(EDWARD Y.C. CHUN and CHUN, KERR & DODD)

THOMAS E. CROWLEY
WILLIAM L. GLEMING
CADES SCHUTTE FLEMING & WRIGHT
1000 Bishop Street
Honolulu, Hawaii 96813
(HEELY, HOGAN, NICKELSEN & KOSHIBA)

ALBERT GOULD
820 Mililani St., Ste 502
Honolulu, HI 96813
Ph: 537-1935
(KWONG YEN LUM, M.D.)

FILING FEES PAID	
DATE	RECEIPT NUMBER
6-22-81	24035 5.00 NA; 65.00 DF

STATISTICAL CARDS	
CARD	DATE MAILED
JS-5	
JS-6	6 1 5 1981

511

Date	NR	PROCEEDINGS
1981		
May		
4	1	COMPLAINT; Summons; Exhibits in Support of Complaint; Affidavit of Janice Ching Yee
6	2	Retn of Serv – served Arthur Fong by N. Hokama on 5-6-89 (sic)
	3	Retn of Serv – served Gov. George Ariyoshi, thru Tany Hong on 5-6-81
	4	Retn of Serv – served Barry Rubin thru Frederick McWayne on 5-6-81
	5	Retn of Serv – served Harold Nickelsen on 5-6-81
	6	Retn of Serv – served Edward Chun on 5-6-81
	7	Retn of Serv – served Robert Franklin thru Norma Broderick on 5-6-81
	8	Retn of Serv - served Betty Vitousek thru Doris Tando on 5-6-81
	9	Retn of Serv – served Donald Tsukiyama thru Wilfred Tang on 5-6-81
	10	Retn of Serv – served Harold Shintaku thru Merle Motokane on 5-6-81
	11	Retn of Serv – served Chief Just. Wm. Richardson thru Kimiko Sugamura on 5-6-81
	12	Retn of Serv – served Ben Menor, Tom Ogata, Robert Chang thru Kimiko Sugamura on 5-6-81
	13	Retn of Serv – served James Koshiba on 5-6-81
7	14	Retn of Serv – served Norito Kawakami on 5-7-81
	15	Retn of Serv – served Dan Healy on 5-7-81
	16	Retn of Serv – served Stephanie Kokernak on 5-7-81
	17	Retn of Serv – served Supreme Court of the U.S. thru cert mail on 5–6–81
	18	Retn of Serv – served Judge Bert Kobayashi on 5-7-81
	19	Retn of Serv – served Judge James Burns on 5–7-81
13	20	Retn of Serv – served Alfred Alfonse Yee, etal thru Thelma Lee, Sec on 5–12–81
	21	Retn of Serv – served Robert Hogan on 5–12–81
	22	Retn of Serv – served Kwong Yen Lum on 5–12-81
15	23	MOTION to Strike, for Protective Order, and for Award of Attorneys' Fees; Memorandum in Support of Motion to Strike for Protective Order, and for Award of Attor-

		neys' Fees: Notice of Motion– 5-27-82 @2:30 p.m. Magis Young
18	24	MOTION to Strike Defendants' Motion to Strike, for Protective Order, and for Award of Attorneys' Fees; etc; Motion for Jury Trial; and Motion for Summary Judgment for Plaintiff Pro Se; Memorandums of Law, Arguments, and Exhibit in Support of Plaintiff's Motions; Affirmation of Given Hearing Date for Notice of Motions; Certificate of Service – 5-27-81 @2:30 p.m. Magis Young
19	25	JOINDER in Motion to Strike, for Protective Order, and for Award of Attorneys' Fees
21	26	Return of Service - served Hawaii Judicial Qualification Commission thru Ex-Chairman Robert L. Stevenson, retired, First Insurance Co. on 5-20-81
	27	Return of Service - served Betty Adams thru Geraldine Nagahisa on 5-20-81
	28	Return of Service - served Gerry Nagahisa on 5-20-82
	29	Amendment to Motion to Strike Defendants' Motion to Strike, for Protective Order, and for Award of Attorneys' Fees, etc; Motion for Jury Trial; and Motion for Summary Judgment for Plaintiff Pro Se; Certificate of Service
	30	Joinder in Motion to Strike, for Protective Order, and for Award of Attorney's Fees; Memorandum
22	31	Joinder in Motion to Strike, for Protective Order, and
22	31	for Award of Attorneys' Fees
26	32	Second Amendment for Arguments in Support of Motion to Strike Defendants' "Motion to Strike, for Protective Order, and for Award of Attorneys' Fees," etc.; Motion for Jury Trial; and Motion for Summary Judgment for Plaintiff Pro Se; Certificate of Service
	33	ANSWER to Complaint – Stephanie Kokernak
	34	ANSWER to Complaint – Robert Franklin
28	35	Fhird Amendment Re: Correction of Inadvertance and Facts, Relating to all Defendants For Plaintiff's "Motion to Strike Defendants' Motion to Strike, etc.; Motion for Jury Trial; and Motion for Summary Judgment for Plaintiff Pro Se"; Certificate of Service
Jun		
5	36	ORDER DISMISSING COMPLAINT – with prejudice cc : Yee, Garcia, Farrell, McCorriston, Crowley, Chun, Kokernak

HEEN:

		(CHINN):
	37	JUDGMENT ON DECISION BY THE COURT - cc. Yee, Garcia, Farrell, McCorriston, Crowley, Chun, Kokernak
9	38	MOTION for New Trial, and Relief from Judgment or Order; Motion for Recusal of Judge Walter Heen for Prejudice, and for Joinder of Walter Heen as Ex–U.S.District Attorney, as Contributory Defendant; and; Re–Motion for Summary Judgment for Plaintiff Pro Se JCY; Reasons and Authorities in Support of Motion; Notice of Hearing for Motion; Index of Rulings Pertinent Against All defendants for Conspired Complicity for Unconstitutionality; Updated Exhibit No. 39; Certificate of Service– June 19, 1981 @11:00am, Judge Heen
10	39	Received letter addressed to Honorable Justices of/and Supreme Court of the U.S.
16	40	ORDER denying Motion for New Trial; Denying Motion for Recusal of Judge; Denying Motion for Summary Judgement – cc: Yee, Garcia, Farrell, McCorriston, Crowley, Chun, Kokernak HEEN
		CLERK DIRECTED NOT TO ACCEPT ANY FURTHER MOTIONS OR PLEADINGS FROM PLAINTIFF IN THIS MATTER
22	41	NOTICE OF APPEAL (By Plaintiff); Copy of NA mailed to Clerk, 9th CCA, Garcia, Farrell, McCorriston, Crowley/Fleming, Chun, Kokernak, Lum, Parks, Kawakami, Koshiba, Haw. Bar Assoc., Kobayashi, Sr., Rubin, Disc. Couns. of Hi S.C., Lowe, Smith A.G. U.S., Kido, Crane, Melim, Stevenson & Weatherwax; Copy of docket sheet & docket fee pymt. notif. form mailed to Cler, 9th CCA
23		Certificate of Record mailed to Clerk, 9th CCA; Copy of Certificate of record, docket sheet & designation of clerk's record on appeal form mailed to Yee, Garcia, Farrell, McCorriston, Crowley/Fleming, Chun, Kokernak, Lum, Parks, Kawakami, Koshiba, Haw. Bar Assoc., Kobayashi, Sr., Rubin, Disc. Couns, Hi S.C., Smith AG U.S., Kido, Crane, Melim, Stevenson & Weatherwax & Lowe
29	42	Designation of Clerk's Record on Appeal – Appellant
	43	Notice of Appearance – Albert Gould for Kwong Yen Lum, M.D.
July		
2	44	Return of Serv – served John Parks, Attorney thru Jean Harris on 6–30–81

December 7, 1981

Hon. Judges Pregerson and Ferguson,
(Goodwin and Skopil), (and Canby)
of the UNITED STATES COURT OF APPEALS
OF THE NINTH CIRCUIT
Box 547
Seventh & Missions Streets
San Francisco, California, 94101

Honorable Judges,

This afternoon, I received return of my "MOTION TO ALTER THE JUDGMENT, AND/OR, IN THE ALTERNATIVE, MOTION FOR STAY OF MANDATE PENDING APPLICATION FOR CERTIORARI, AND MOTION FOR EXTENSION OF TIME" sent December 1, 1981 (Return Receipt dated Dec. 2, 1981 by Weissman) "RECEIVED" by your Court Dec. 3, 1981; in reply to the "Order" filed Nov. 27, 1981 and received in Honolulu November 30, 1981.

It was very unfair of you not to give me the opportunity to MOTION FOR STAY OF MANDATE PENDING APPLICATION FOR CERTIORARI, AND MOTION FOR EXTENSION OF TIME, as my Legal Civil RIGHT. I have included a copy for exhibit, and can send the original if this Court can put aside its prejudices and consider my APPEAL.

I prayed all weekend that you could feel the Holy Spirit, and open APPEAL #81–4326, according to FRCP, RULE 59(d) "of" your "own accord" "within 10 days" from your "order".

My MOTION FOR ENTRY OF SUPPLEMENTAL PLEADING is on its way to your office and should convince the Court that it is wrong. I pray for you to see the blind Judicial entrapment of the Judiciary involved. The Bar Association does owe me JCY Redress too. Please understand; I cannot stress the importance of impending danger perceived.

/ s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff–Appellant Pro Se
at: 3169 Alika Avenue
Honolulu, HI 96817

APPENDIX "F–2" (3 pages)

UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT
P. O. Box 547
San Francisco, California 94104

TO: Ms. Janice Ching Yee, Pro Per
FROM: Christopher W. Vasil, Acting Clerk of Court
DATE December 10, 1981
Re: YEE vs SHINTAKU, et al. 81-4326

We are in receipt of your recent transmittal to this office.

Your materials do not appear to meet all of the requirements for filing in this court.

(1) [ ] The type of material you submitted must first be filed in the U.S. district court. In order to file a case in this court, you must demonstrate an appealable judgment or order of the U.S. district court. We are a court of limited jurisdiction. You should refer to the appropriate federal statutes in Chapter 28 of the United States Code. In addition, it is important to note that all state court remedies must be exhausted before petitioning the federal court system, in the event the matter relates to confinement in a state correctional institution.
[ ] Your materials are being returned in the event that you wish to pursue your appeal in the U.S. district court.

(2) [ ] We are unable to determine the U.S.Court of Appeals case, if any, to which your materials refer. Please clarify by providing our U.S.Court of Appeals docket number

(3) [ ] If you are applying for an appointment of counsel in this court, you must furnish us with the following:
[ ] a specific motion for appointment of counsel.
[ ] the U.S. district court docket number from which your appeal originates.
[ ] the date the notice of appeal or petition was filed.
[ ] a completed financial affidavit. A copy of this form is enclosed.

(4) [ ] You were granted in forma pauperis status by the U.S. district court for the limited purpose of satisfying our U.S. Court of Appeals docket fee.
[ ] You must file a motion separately in our court in order to request the appointment of counsel.

[ ] You must file a motion separately in our court in order to request a copy of the court reporter's transcript.

(5) [ ] It appeals that your Petition for Mandamus may be unnecessary since the U.S. district court has acted in your case below. Please let us know if you wish to pursue this petition.

(6) [ ] Mandate issued on November 27, 1981. This court no longer has jurisdiction. We cannot file these documents.

We do not publish a set of forms, specific guidelines or instructions for pursuing appeals in our court. Depending upon your type of case, you are referred to Title 28 of the United States Code, Section 2242 – 2255; Title 42 of the United States Code, Section 1983; and Title 28 of the United States Code Sections 1330 – 1335 and 1343. In addition, you are referred to the Federal Rules of Appellate Procedure (FRAP) which are available through the U.S.Government Printing Office. You are also referred to the Local Rules of the United States Court of Appeals for the Ninth Circuit which are available by sending $2 and a self-addressed mailing label to this office.

Any future correspondence should be addressed to: Clerk's Office, U.S. Court of Appeals, P.O.Box 547, San Francisco, California 94101. Be sure to include the full title of the case, the U.S. district court docket number, the U.S. district court from which the appeal is taken and your current exact address (with a clear notation as to whether this address is a new address). If you have a pending case in this court, you should always let us specifically know when you change your address. Change of address notices must always include the U.S. Court of Appeals docket number and the exact title of your case.

August 28, 1981

Mrs. Yee:

I have written the court of appeals in San Francisco informing them I will not be filing any briefs, pursuing any issues in this case & have asked my name be struck from the record.

Please do not send or deliver anymore legal papers as they will not be accepted by me.

/s/ Stephnie K. Kokernak
Stephanie K. Kokernak

APPENDIX "F – 3'